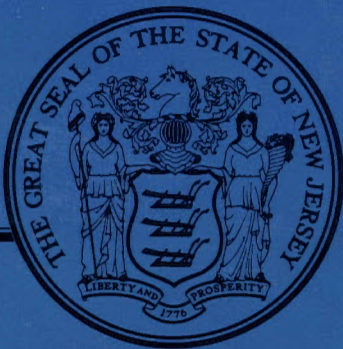


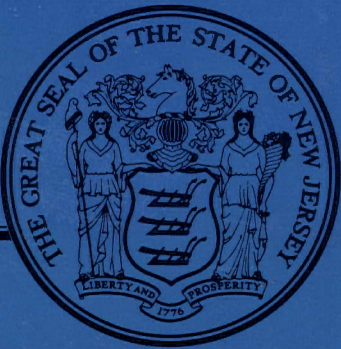
DIVISION OF CRIMINAL JUSTICE ANNUAL REPORT 1985



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

J
0
935
985

DIVISION OF CRIMINAL JUSTICE ANNUAL REPORT 1985



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

J
.0
:935
:985

DIVISION OF CRIMINAL JUSTICE ANNUAL REPORT 1985

Thomas H. Kean
Governor

W. Cary Edwards
Attorney General

Donald R. Belsole
First Assistant Attorney General
Director, Division of Criminal Justice



State of New Jersey
Department of Law and Public Safety
Division of Criminal Justice

The Division of Criminal Justice
15th ANNIVERSARY

NOVEMBER 23, 1985



Donald R. Belsole
1983 to Present

Edwin H. Stier
1977 to 1982

Matthew P. Boylan
1974 to 1975

Robert J. Del Tufo
1975 to 1977

Evan W. Jahos
1970 to 1974

The Division of Criminal Justice, established in 1970, observed its 15th anniversary. An anniversary dinner, held November 23, 1985 at Cedar Gardens Restaurant in Hamilton Township, Mercer County was attended by present and former Division staff, friends and associates in the criminal justice community. Present Director Donald R. Belsole and former Division directors Edwin H. Stier, Robert J. Del Tufo, Matthew P. Boylan and Evan W. Jahos were among the honored guests, along with Attorney General Irwin I. Kimmelman and former attorneys general James R. Zazzali, William F. Hyland and George Kugler. The commemorative event was attended by over 350 people.

In noting the occasion, Director Belsole attributed the Division's success over the past 15 years to the caliber and dedication of its staff. "This Division has become a truly professional organization, primarily because of the dedication and commitment of the men and women who now work for or formerly worked for the Division."

The Division of Criminal Justice

The Division of Criminal Justice exists within the New Jersey Department of Law and Public Safety pursuant to legislation known as the Criminal Justice Act of 1970 (*N.J.S.A. 52:17B-97 et seq.*). The Act established a coordinated and integrated law enforcement system in New Jersey and designated the Attorney General as chief law enforcement officer of the state. The Division of Criminal Justice, on behalf of the Attorney General, performs the functions and responsibilities which provide for uniform and efficient law enforcement and the administration of criminal justice. Among these responsibilities are investigation and prosecution of criminal offenses of statewide significance, as well as leadership and supervision over county prosecutors and law enforcement agencies statewide.

New Jersey's unified system of law enforcement, unique in the nation, allows the Division to work in cooperation with the 21 county prosecutors and other law enforcement agencies while providing a variety of supervisory, technical and training services. Areas of leadership include appellate litigation, victim/witness assistance, legislative in-

itiatives, computerization of prosecutors' offices, juvenile justice and criminal justice training, as well as investigative and prosecution activities concerning organized crime, hazardous waste violations, white collar crime and official corruption. The Division not only exercises the original jurisdiction of the Attorney General to investigate and prosecute criminal offenses of statewide significance, but also supersedes in those cases where a conflict of interest may exist with the prosecutor's office.

Significant accomplishments in the areas of hazardous waste, organized crime, fraud, waste and abuse in government programs and antitrust litigation, as well as law enforcement training and procedural guidelines, victim/witness assistance and crime deterrence demonstrate the Division's concern for the citizens of New Jersey as well as the quality of law enforcement. The introduction of system improvements and resolution of complaints concerning the criminal justice process, law enforcement or criminal justice system further demonstrate the ability to respond to changing criminal justice needs and the citizens of the state.

Highlights of 1985

- **New Jersey v. T.L.O.** The United States Supreme Court granted the state's petition for certiorari and conducted reargument concerning the applicability of the Fourth Amendment to searches of students by school officials, holding that such searches were legal.
- **State v. Ciba-Geigy.** A state grand jury returns a 35-count indictment against an international chemical/pharmaceutical corporation and four management officials charging the illegal disposal of hazardous waste over a ten-year period into a company owned landfill and a water treatment system which ultimately emptied into the Atlantic Ocean.
- As a significant step to ensure quality police performance, a directive is issued by the Attorney General mandating all law enforcement officers in the state to complete firearms requalification procedures biannually.
- To further promote the highest standards of police performance and quality police services, revised standard operating procedures for police use of deadly force are implemented to comply with recent changes brought about by a United States Supreme Court decision.
- **State v. Adams, et al.** Seven state corrections officers, including two superior officers, are convicted during trial in Mercer County of the charges conspiracy, misconduct and filing false reports stemming from beatings incurred by several inmates by prison guards during a transfer between facilities and an attempt to inhibit an official investigation of those beatings.
- Two capital punishment cases, *Ramseur* and *Biegenwald*, are argued before the New Jersey Supreme Court and briefs filed in seven other death penalty cases regarding the constitutionality of the New Jersey capital punishment statute among other issues.
- **State v. Morris, et al.** The state grand jury returned an 86-count indictment charging nine employees of the University of Medicine and Dentistry of New Jersey with using their payroll clerk positions to defraud the state of over \$150,000 by issuing fraudulent checks to employees who would split the proceeds. Nine co-conspirators previously pled guilty to criminal accusations involving related charges.
- The Division, in conjunction with the county prosecutors, issued statewide guidelines imposing for the first time uniform standards in the conduct of high speed motor vehicle pursuits in this state.
- The Division promulgates statewide uniform guidelines to implement state RICO (racketeering influenced corruption operations) statutes.
- Uniform search warrant application procedures are established statewide to ensure that constitutional safeguards are scrupulously respected and all evidence obtained pursuant to the warrant will be admissible at trial.
- The Division establishes a specialized unit to work in cooperation with the Division of Youth and Family Services to address the problem of physical and sexual abuse of juveniles attending public or private institutions and to promote expeditious case investigation and centralization of all prosecutorial resources dealing with problems in this area.
- Publication of the *Criminal Justice Quarterly*, a scholarly review of a diverse number of topical subjects concerning criminal law and procedures as well as current developments in criminal law, is resumed.

LEADERSHIP AND SYSTEM COORDINATION

In 1985, the Division continued to enhance its recognized leadership role within the state, regional and national law enforcement communities. In this capacity, the Division continued to devise and implement innovative new programs and projects designed to improve all aspects of the criminal justice system through Attorney General directives, law enforcement guidelines, enhanced training and research activities.

New Jersey's unified system of law enforcement, unique among states, provides for a coordinated statewide system of law enforcement. The Division of Criminal Justice, on behalf of the Attorney General, chief law enforcement officer of the state, performs those functions and responsibilities necessary to achieve uniformity in the enforcement of the criminal law and administration of justice throughout the state. County prosecutors, as chief law enforcement officers of their respective counties, are responsible for carrying out law enforcement policy in their jurisdictions. The prosecutors, in turn, are subject to the general supervision of the Attorney General.

Within New Jersey, the Division provides direct and progressive leadership to county prosecutors and local law enforcement in investigative and prosecution activities, as well as other areas, and conducts activities to improve the criminal justice system in its entirety. For example, legal and procedural information, research and technical assistance are provided concerning such diverse areas as capital punishment, electronic surveillance, and victim/witness assistance. Other activities—conducting research regarding drug and alcohol use among high school students, assessing the use of court authorized electronic surveillance, examining prosecution efforts statewide, participating in capital punishment litigation, developing a proposal for a Targeted Offender Prosecution Program and participating in the statewide Speedy Trial Program—further contribute to the uniform administration of justice throughout the state through leadership and coordinative efforts.



Director Donald R. Belsole addresses participants of the Governor's Conference on Crime.

The Division's Prosecutors Supervisory Section acts as the primary liaison between the prosecutors and the Attorney General, coordinates matters of mutual concern with prosecutors and various state agencies, and reviews all complaints against prosecutors and their staff. The Trial Section exercises the Attorney General's power to supersede in all criminal cases in which a prosecutor's office is faced with a conflict of interest. The Administrative Section provides management and technical assistance services to the prosecutors' offices and maintains responsibility for overseeing confidential funds at the county level.

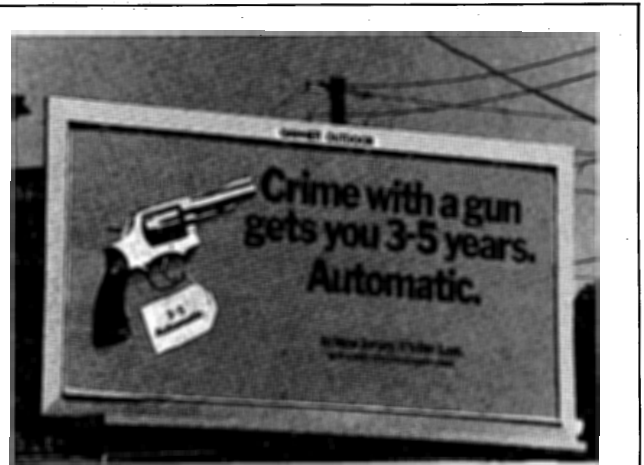
In addition, leadership and the coordination of the criminal justice system are achieved by:

- Centralizing all criminal appeals filed within the state to ensure consistent quality in the state's representation in criminal matters and uniformity in responding to similar issues.

- Establishing uniform curriculum, teacher certification and school accreditation for all police recruits in the state through the Police Training Commission.
- Developing, in conjunction with the County Prosecutors Association, a revised and comprehensive prosecutor's manual to ensure effective orientation and training of new personnel, as well as to improve the knowledge and technical proficiency of present staff.
- Rendering formal and informal advisory opinions to law enforcement agencies throughout the state with respect to criminal law and procedure.
- Assuming responsibility for reviewing state police search warrant affidavits.
- Developing and promulgating uniform guidelines to implement the state racketeering (RICO) statutes.
- Publishing the *Criminal Justice Quarterly*, a scholarly review of current developments in criminal law, and the *Criminal Law Digest*, a compilation of case holdings and statutes covering all phases of criminal law.



Pictured above are Division of Criminal Justice publications.



Commission to Deter Criminal Activity billboard depicting statewide educational campaign.

- Providing basic and advanced training courses to county investigators, detectives and assistant prosecutors, as well as specialized training to law enforcement officials in general to improve standards of police performance and the quality of police services.
- Supervising the qualifications, training and procedures of all county medical examiners through the state medical examiner.
- Providing leadership, legal guidance and technical assistance in such diverse areas as electronic surveillance, toxic waste investigations, victim/witness assistance, and capital punishment litigation.
- Monitoring legislation with the potential to affect the criminal justice system and drafting legislative proposals to address problematic areas in criminal procedure, police administration and substantive criminal law.

The Division, because of its experience and expertise in the hazardous waste area, has achieved both regional and national recognition. Significant investigations and prosecutions involve large-scale, on-going conspiratorial schemes to mix hazardous waste with fuel oil subsequently sold to consumers,

to dispose of hazardous chemical wastes through landfills and water treatment systems, and to discharge harmful pollutants through other illegal means. The Northeast Hazardous Waste Project, administered by the Division, serves as an informational and training resource for not only the hazardous waste regulatory and enforcement agencies within the 13 participating states, but also national organizations and agencies within other states. Moreover, research involving the multi-state analysis of hazardous waste offenses and offenders will provide information useful in investigating and prosecuting hazardous waste violations both within and without New Jersey.

The Division's participation in various statewide boards and commissions which review and regulate law enforcement and criminal justice activities, and which recommend necessary policy changes in the area of criminal law, significantly contributes to the introduction of system improvements and coordination. Accordingly, the Division assumes a key role in, for example, the newly-created Task Force on

Child Abuse, the Commission to Deter Criminal Activity, the Crime Prevention Advisory Committee, the recently-established Criminal Justice Advisory Council and the Commission on Missing Persons.

In essence, coordination of the criminal justice system requires a readiness and ability to respond to current developments in the law and criminal justice practice through the implementation and promulgation of new policies. In 1985, this was achieved, for example, through Attorney General directives restricting the use of deadly force by police officers, mandating biannual firearms re-qualification for all law enforcement officers, and establishing precise guidelines for the search warrant application process. State and national leadership is also demonstrated through the recently issued directive mandating all law enforcement agents to investigate reports of missing persons without delay. This directive, the first of its kind in the nation, eliminates any arbitrary waiting period before beginning an investigation.

Prosecutors Annual Report 1984 Summary Findings

Pursuant to the Criminal Justice Act of 1970, county prosecutors annually submit to the Attorney General a written report for the preceding year. The current, uniform system for reporting county prosecutor's office data enables the Attorney General, through the Division of Criminal Justice, to secure, analyze and furnish information to further the goal of uniform and effective enforcement of the criminal laws throughout New Jersey.

The following summary highlights concern statewide prosecutorial screening and grand jury activities and defendant dispositions for 1984.

- Statewide, of the 64,283 defendants cases reviewed within 19 reporting counties, 47% were screened out through administrative dismissal, downgraded charges, diversionary programs or otherwise; 53% were referred for grand jury action.
- The rate of defendants screened out within individual counties ranged from 18% to 71%.
- Of the 37,394 defendants completing grand jury in 20 counties, almost eight out of ten (79%) were indicted, 16% were not billed with no further action and 6% were not billed with charges remanded to municipal court.
- Indictment rates within individual counties varied considerably, from 58% to 78%.
- Statewide, of the total 32,527 defendants with indictments/accusations reaching final disposition in 20 counties, 63% were disposed by guilty plea, 16% through acceptance into diversionary programs, 14% through dismissal of charges and 7% through trial.
- Of those defendants with cases disposed through plea, trial or dismissal of charges, four out of five (80%) were convicted by either guilty plea (75%) or trial (5%).
- Of just those defendants convicted, 85% were convicted of the most serious offense charged.

Local Police Improvements

Current initiatives and proposals in the areas of police performance and training demonstrate the ongoing effort to achieve uniform and effective law enforcement through police services in New Jersey.

Several Attorney General directives, policy considerations and legislation issued during 1985 will promote the highest standards of police performance, efficient police administration and quality police services. Directives restricting the use of deadly force by police officers, mandating biannual firearms requalification, prohibiting the use of stun guns except by law enforcement officers with express authorization and training, and establishing precise search warrant guidelines will minimize risks of civil liability, ensure public safety and increase public confidence in law enforcement. The development of uniform search warrant application forms for use by all police officers throughout the state, along with comprehensive search warrant guidelines will not only facilitate the warrant application process, but also ensure that constitutional safeguards are scrupulously respected.

Recognizing the importance of quality police training, in 1985, the Police Training Commission modernized the required basic training curriculum by adopting the Performance Objectives System of Training (POST). The POST program consists of 13 functional areas of instruction covering, for example, criminal investigation and law; arrest, search and seizure; police-community relations; weaponry and unarmed defense; and



State investigators participating in firearms training and requalification.

physical fitness. The program also requires that newly-appointed police officers be oriented to agency policies, procedures and practices. Moreover, to standardize and improve the physical training for police, a physical conditioning program is planned for implementation in all basic training courses and a statewide analysis of law enforcement physical activities has been undertaken.

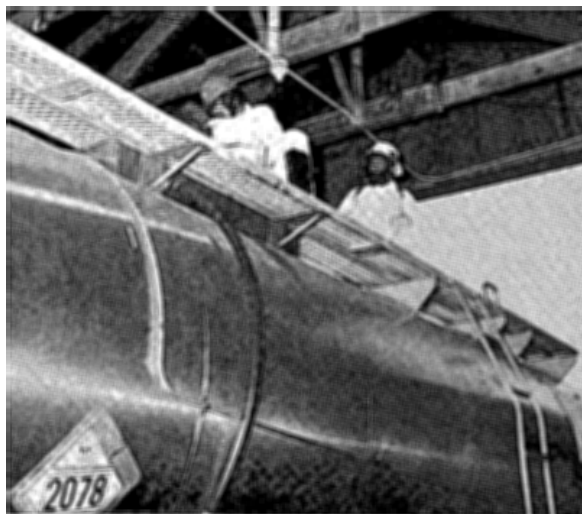
Additional proposals and activities designed to improve and coordinate police training and, ultimately, the quality and effectiveness of the administration and delivery of police services include the possible establishment of a criminal justice training institute to serve the needs of state police, corrections and prosecution personnel; the creation of a commission to study and develop precise police standards; and recommendations for mandatory minimum in-service training. Such endeavors would permanently enhance in-service training needs and satisfy future demands for increased recruitment, selection and training of law enforcement personnel statewide.

Public Interest Activities

The foremost goal of the Division is to perform activities for the benefit of the public. To further this goal, investigations are conducted into organized crime, official corruption, fraud, pollution of our air, water and land, and violations of our antitrust laws—criminal incidents which betray the public trust and severely impact upon the quality of life of New Jersey citizens.

In 1985, upon completion of an environmental investigation, the state grand jury returned an indictment of national significance against Ciba-Geigy, an international chemical manufacturing concern based in New Jersey, and several managerial level employees. The indictment charges unlawful dumping of hazardous and toxic waste over a ten-year period into a company owned landfill and a company waste water treatment system which emptied into the Atlantic Ocean. This indictment and investigations of similar significance have not only re-emphasized the far-reaching aspects of environmental problems, but also have identified a new target offender—the legitimate corporation seeking ways to cut costs associated with proper disposal. The Division actively shares its knowledge and expertise in the area of hazardous waste investigations and prosecutions and, through its leadership and participation in the federally-funded multi-state Northeast Hazardous Waste Project, is developing and coordinating an interstate information resource network.

Antitrust investigations protect consumers, public agencies and private businesses from anti-competitive practices. New initiatives in this area involving issues of substantial importance to the public include rent control and title insurance. Activities with respect to crimes against publicly-funded pro-



Environmental investigation activities involving hazardous waste violations.

grams, such as medicaid and unemployment fraud are also integral to the Division's continuing commitment to protect the public.

Proposals to expand services for victims and witnesses within prosecutors' offices, activities to deter crime, victim-related legislation, and other legislative initiatives further depict ongoing efforts to make the criminal justice system function more efficiently for the public's benefit. Recognizing that a sizeable portion of criminals repeatedly commit offenses, thereby accounting for a disproportionate amount of predatory crime, legislation has been submitted to initiate a statewide program to expand intensive prosecution efforts concentrating on "targeted" offenders with a history of criminal conduct.

Civil forfeiture procedures, a process whereby the state seizes and takes title to any property used in the commission of a crime, when used in conjunction with criminal investigations, not only deter crime by removing the economic incentive to commit it, but also compensate prosecuting agencies. The Division, to promote use and consistency in application of forfeiture statutes, is assuming a leadership position in developing statewide policies and guidelines pertaining to civil forfeiture procedures.

Investigations and Prosecutions

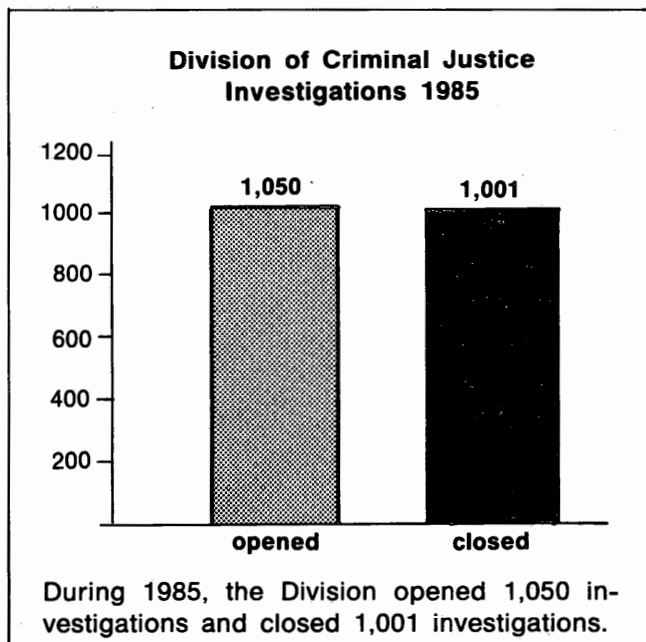
In exercising the functions, powers and duties of the Attorney General pertaining to the investigation and prosecution of the criminal business of the state, the Division's prosecutorial goals are dictated by criminal conduct which recognizes no county boundaries and requires resources beyond those within county prosecutors' offices. Sophisticated and complex enforcement strategies are required to obtain effective and uniform enforcement of the criminal laws, and to act successfully against modern day methods employed by the criminal element. The various sections, units and task forces within the Division are designed to provide such strategies. Thus, the Antitrust, Casino Prosecutions, Environmental Prosecutions, Major Fraud, Medicaid Fraud, Tax Evasion, Solid Waste and Unemployment Fraud Sections or Units constitute the various areas to which investigative resources are directed. Additionally, Program Integrity Section investigations focus on fraudulent misapplications of public funds in government programs. Special Prosecutions Task Force activities conducted in cooperation with the State Police concentrate on matters of statewide significance involving organized crime and official corruption.

Division of Criminal Justice Investigations Work Volume 1985

| Section/Unit/Task Force | Investigations | |
|-----------------------------|----------------|--------------|
| | Opened | Closed |
| Antitrust | 26 | 20 |
| Solid Waste | 72 | 66 |
| Casino Prosecutions | 263 | 256 |
| Environmental Prosecutions | 77 | 84 |
| Major Fraud | 192 | 183 |
| Medicaid Fraud | 106 | 87 |
| Program Integrity | - | 6 |
| Tax Evasion | 11 | 7 |
| Unemployment Fraud | 8 | 10 |
| Special Projects | 17 | 3 |
| Special Prosecutions | 233 | 220 |
| State Grand Jury Litigation | 45 | 59 |
| DIVISION TOTAL | 1,050 | 1,001 |

In 1985, 1,050 investigations were opened and 1,001 were closed division-wide. Most of those Division cases determined to warrant referral for indictment are channeled through the State Grand Jury. During 1985, 36 grand juries convened for a total of 354 grand jury sessions; 136 state grand jury indictments or accusations were filed charging a total of 252 defendants. In addition, utilizing county grand juries, 186 defendants were charged in 145 indictments or accusations. To centralize state grand jury trial activity, most cases are referred to the State Grand Jury Litigation Section subsequent to indictment.

During 1985, computer applications utilized in complex criminal cases continued to enhance investigative effectiveness. For instance, a toll analysis system was designed to organize and analyze subject and subscriber information obtained through wiretaps. Portable personal computers used in the field to enter data aid in the current and timely analysis of that data. Computer targeting continues to be a useful investigative tool in medicaid fraud and unemployment fraud cases. In the area of medicaid fraud, computer targeting has been expanded to include eye-care service providers in addition to pharmacies and transportation providers. The Casino Prosecutions Section, through access to the Atlantic County PROMIS/GAVEL system, instituted computerized case management, scheduling and case tracking capabilities.



In response to changing priorities and law enforcement needs, investigative efforts must be re-focused to address emerging issues and concerns. In the hazardous waste area, enhanced investigative efforts are directed towards examining the discharge of chemical pollutants in the air to determine whether criminally reckless or knowing conduct is present. Other areas of intensified investigative activity involve security fraud, labor law violations, rent control and title insurance issues.

A second major area of prosecutorial activity for which the Division is responsible is county supersession cases. The Division of Criminal Justice, on behalf of the Attorney General, may supersede the county prosecutor for the purpose of prosecuting criminal matters which involve an apparent or actual conflict of interest. By accepting these supersession cases, the Division insures the integrity of the criminal justice system. County supersession matters, referred from any of the 21 county prosecutors' offices, are primarily the responsibility of the Trial Section. During 1985, 173 cases, both pre-indictment and post-indictment, were received and accepted for supersession from 20 counties, an increase of 25% over 1984. Moreover, in addition to indictments returned by the investigative sections, the Trial Section obtained 38 indictments/accusations charging 42 defendants in supersession matters.

Division of Criminal Justice 1985 Grand Jury Activities

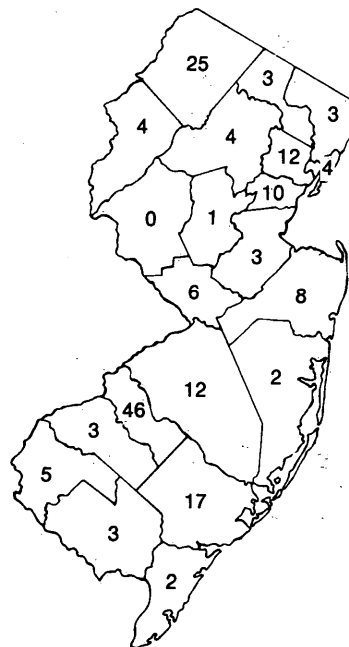
| | Indictments/ Accusations | Defendants |
|-------------------------------|-----------------------------|------------|
| State Grand Jury Activity | 136 | 252 |
| County Grand Jury Activity | 183 | 228 |
| TOTAL | 319 | 480 |

Note. Includes all Division investigative sections, State Grand Jury Litigation and Trial Sections.

County Supersession Cases Closed during 1985 by Offense Category

| Offense Category | Number Closed |
|---------------------|---------------|
| Drug Violations | 18 |
| Assault | 19 |
| Theft | 17 |
| Burglary | 12 |
| Robbery | 6 |
| Murder/Manslaughter | 7 |
| Rape/Sex Offense | 5 |
| Forgery/Fraud | 6 |
| Misconduct | 5 |
| Weapons | 2 |
| Other | 33 |
| TOTAL | 130 |

Supersession Cases Opened during 1985 by Originating County



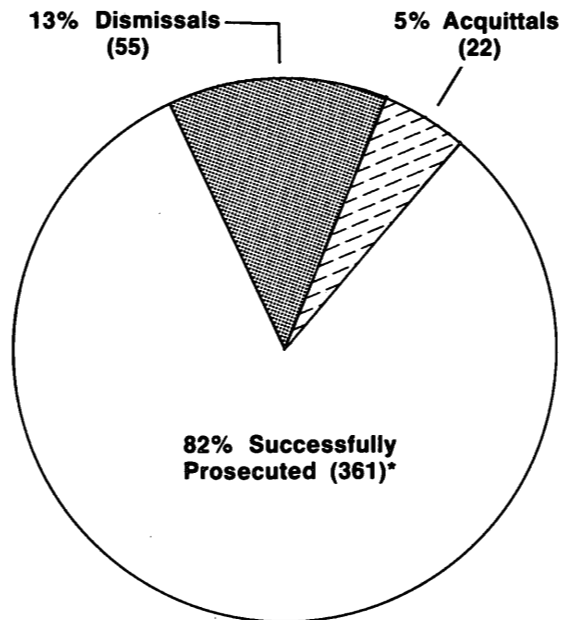
During 1985, as a result of Division prosecution activities, 438 defendants charged by indictment or accusation reached final disposition. Of those defendants whose cases were disposed, 69% were convicted through either plea or trial and 13% were accepted into diversionary programs. The remaining 18% were disposed through acquittal or dismissal of charges. In all, 82% were successfully prosecuted.* In addition, 524 defendants charged by complaint reached final disposition, of which 523 were convicted.

In addition to criminal prosecution, the Division of Criminal Justice participates in civil litigation, including forfeiture actions and antitrust litigation. Other types of civil proceedings and sanctions initiated against criminal offenders as a result of Division prosecution activities include suspension or loss of professional licensure or public office.



State investigators conferring on medicaid fraud investigation.

Defendants with Indictments/ Accusations Disposed by Manner of Disposition 1985



Civil remedies, such as divestiture of interest, corporation dissolution or reorganization, and loss of charter or business license, provided by the state racketeering statute (RICO) are effective against racketeering influenced corruption operations. The RICO statute, designed to fight organized crime infiltration of legitimate businesses, prohibits the use of "strong arm" methods to force the investment of organized crime or racketeer funds in legitimate businesses.

Antitrust enforcement activities frequently involve civil remedies, both in conjunction with criminal remedies and alone, depending upon the facts and nature of the case and proofs available. Revenue generated through fines, penalties and antitrust settlement awards arrived at as a result of civil proceedings restore damages suffered by the state, political

*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.

subdivisions and the public. Restraining orders and injunctive actions against antitrust violators provide further protection to the public against anti-competitive, price-fixing activities.

The Division generates substantial revenue for the state through fines, penalties and antitrust settlement awards. In 1985, over \$10.2 million were assessed. 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.

State v. Koedatich. James Koedatich was convicted of the kidnapping and murder of a 25-year old Morris County woman. The state's case relied on expert testimony regarding evidence, including tire prints, fibers, paint and stab wounds. The penalty phase resulted in a deadlocked jury, with the majority in favor of death. As a result, a life sentence was imposed, of which 45 years must be served before being eligible for parole.

State v. Fortunato. Former Assemblyman Angelo "Buddy" Fortunato is charged with accepting monies in return for securing a position with the Turnpike Authority for the son of a constituent. State grand jury indictment charges include bribery, official misconduct, and compounding.

State v. Shapiro, et al. This 23-count state grand jury indictment charges 21 defendants with conspiracy to possess and distribute cocaine, a controlled dangerous substance. The indictment alleges the defendants were involved in a tri-state drug distribution network. The overall network was estimated as distributing between \$100,000 and \$300,000 of cocaine per week. Upon culmination of the investigation, two kilos of cocaine valued at \$80,000 and over \$140,000 in cash were confiscated.

State v. Thompson and Zakai Delek Fuel Oil Co. A state grand jury indictment was returned charging the defendants with conspiracy to steal fuel oil from Eastern Fuel Oil Company. Charges stemmed from a two-year conspiratorial scheme involving the theft of 1.5 million gallons of fuel oil valued at over \$1 million.

State v. Merlino. A state grand jury charged the defendant, Lawrence Merlino, with conspiracy to hinder prosecution of a murder case. The case involved the alleged gangland style murder of Salvatore Sollena.

State v. Palley. Reese Palley, former chairman of the New Jersey Lottery Commission, entered a guilty plea to conspiracy to conceal his private business ventures with vendors attempting to do business with the Lottery Commission. Palley was fined \$7,500 and sentenced to 200 hours of community service.

State v. Rinaldi. The defendant was convicted by a Burlington County jury of conspiracy to violate the narcotics laws of New Jersey and was sentenced to a 12-year state prison term, with six years parole ineligibility. The defendant, the last of 23 co-conspirators to be disposed, was identified as the lead member of a \$56 million a year drug distribution network in South Jersey.

Significant Division Cases

State v. Ciba-Geigy. The state grand jury returned a 35-count indictment against an international chemical/ pharmaceutical corporation and four management officials charging illegal disposal of hazardous waste. The alleged ten-year conspiratorial scheme involved illegal disposal of hazardous waste into a company owned landfill and water treatment system which emptied into the Atlantic Ocean.

State v. Adams, et al. Seven state corrections officers, including two superior officers, were convicted at trial of conspiracy, misconduct and filing false reports. Charges stemmed from beatings incurred by several inmates by prison guards during a transfer between corrections facilities and an attempt to inhibit an official investigation of those beatings.

State v. Williams, Williams, Williams and Seabrook. After the Appellate Division reversed the original felony murder convictions obtained by the Cumberland County Prosecutor's Office for the 1977 shooting of a gas station attendant, the matter was referred for supersession. The case was re-presented to a grand jury and a superseding indictment was returned. Following a jury trial, three defendants were found guilty of murder and received life sentences. One defendant was acquitted.

State v. Constantino, et al. This state grand jury indictment alleges that eight individuals and companies in the garbage industry in Monmouth and Ocean Counties engaged in restraint of trade by conspiring to allocate customers and assign territories in which to do business under a system of "property rights." The indictment also alleges organized crime infiltration into companies within the garbage industry.

State v. Mayer. This indictment charges the defendant with attempted theft by deception, theft by deception and misapplication of property of a financial institution. The indictment alleges that the defendant, while chairman of the board of directors of the Citizen State Bank, attempted to issue a \$200,000 check to finance a real estate transaction in which both he and his corporation were involved.

State v. Leonetti and Scarf, Inc. This state grand jury indictment charges theft by deception, misconduct of corporate officials, tampering with records and false swearing. Charges stem from the defendant and his corporation filing a false certification and questionnaire with the New Jersey Housing and Mortgage Finance Agency. The indictment charges that as a result of the false statements made, the defendants obtained a state contract for a project financed by the Housing and Mortgage Finance Agency for which they did not qualify.

State v. Morris, et al. The state grand jury returned an 86-count indictment charging nine employees of the University of Medicine and Dentistry of New Jersey with using their payroll clerk positions to defraud the state of over \$150,000 by issuing fraudulent checks to employees who would split the proceeds. Nine co-conspirators previously pled guilty to criminal accusations involving related charges.

State v. Warren, et al. A 12-count indictment was returned charging seven defendants with franchise fraud. The defendants, principals of Reddi-Help, Inc., a corporation used to sell distributorships for United Automotive, Snack Shacks of America and United Merchandisers, were charged with theft in excess of \$225,000. The indictment alleges that the defendants misrepresented the prior success of the franchise businesses being sold to consumers.

State v. Fazio and O'Connor. The defendants, former members of the City of Orange Police Department, were charged with and pled guilty to conspiracy to commit misconduct in office and possession of controlled dangerous substances. In addition to receiving criminal sentences, both defendants were required to resign from the police force.

State v. Roque. The defendant, Dr. Jose Roque was convicted at trial of conspiracy to defraud numerous insurance companies and is awaiting sentence. The con-



Director Donald R. Belsole appearing in motion regarding defendant's health and ability to appear for trial.

spiracy involved fraudulently inflating the number of treatment visits made by victims of automobile accidents and exaggerating the seriousness of the injuries sustained.

State v. Palm and Summit Child Evaluation Center, Inc. The defendants, Phyllis Palm and Summit Child Evaluation Center, were found guilty at trial of defrauding the medicaid program of approximately \$78,000. Indictment charges stemmed from defendants submitting claims to the medicaid program for mental health services not provided and for nonreimbursable services.

State v. Baglieri, et al. This case involves 15 defendants charged with defrauding Caesar's casino of \$695,000 using a credit scam wherein credit was approved, chips were taken and cashed in, and the debts were unpaid. According to the indictment, most of the credit was secured by filing false credit applications, or by opening bank accounts to secure credit and closing them once credit was secured. The indictment also charges the defendants with obtaining unearned hotel services in the amount of \$33,341.

State v. Carlucci, et al. This 47-count indictment charges seven defendants, including four state motor vehicle inspectors, with tampering with public records and official misconduct. Indictment charges allege the defendants fraudulently issued motor vehicle inspection stickers for vehicles which did not meet required safety standards.

State v. Wells, et al. The state grand jury returned an indictment against 12 defendants charged with conspiracy to manufacture and distribute controlled dangerous substances. The investigation disrupted a large-scale South Jersey drug network including two laboratories capable of manufacturing over \$1 million worth of methamphetamine per year. Also confiscated during the investigation were significant amounts of various other controlled dangerous substances, numerous weapons, and over \$64,000 in cash.

State v. Blue Spruce Corporation. This indictment against the corporation and its principal officer charges extensive contamination of a large piece of land in Somerset County as a result of the unlawful disposal of pesticides, including Agent Orange. Disposal methods allegedly resulted in contaminating pesticides reaching the Raritan River. The indictment also charges unlawful release of hazardous waste, unlawful discharge of pollutants and risking widespread injury.

State v. Cifelli. The state grand jury returned an indictment against the defendant, acting captain within the Newark Fire Department, charging criminal usury. The indictment alleges that over a two-year period Cifelli collected over \$150,000 in usurious interest.

State v. Amira, et al. This 25-count indictment charges 32 defendants with defrauding two casinos of \$739,000 through a sophisticated credit scam. Through various means, the defendants allegedly ran up large credit accounts, cashed in their chips and defaulted on the debts. According to the indictment, the credit scam included false credit references from a Las Vegas casino executive, bribery of a Caesar's credit executive, as well as bribery of bank officials to give false bank information.

State v. Davis and Professional Ambu-Trans, Inc. This indictment, resulting from targeting transportation providers, charges medicaid fraud. The defendants were allegedly reimbursed for transportation not provided and for transporting medicaid recipients on an individual basis when, in fact, they were transported in groups. The case also alleges the payment of illegal bribes to a public official for the referral of medicaid patients.

State v. DeBlasi, M.D. The defendant, a psychiatrist and appointed member of the Marlboro Psychiatric Hospital Board of Trustees, was indicted on 20 counts of medicaid fraud. The indictment charges the defendant with submitting approximately \$40,000 in claims for psychiatric services not provided.

State v. Pasqua. The defendant was charged in a series of indictments with armed robbery, numerous weapons offenses and the attempted murder of the Essex County prosecutor and an assistant prosecutor. Pasqua pled guilty to the offenses charged and was sentenced to a 30-year state prison term, with 15 years parole ineligibility.

State v. Apovian. The defendant, a former Bergen County assistant prosecutor, was indicted by the state grand jury for aggravated sexual assault and related offenses.

State v. Knighton and Knighton. This county supersession matter involves several charges of aggravated sexual assault against the defendants, former administrators of a day care center. The state's motion to use closed circuit television to present the testimony of several of the children was granted.

State v. O'Donnell, et al. This state grand jury indictment charges four Elizabeth police officers with aggravated assault and official misconduct. The indictment alleges the police officers used night stick type weapons to beat a prisoner while in custody for burglary and robbery charges.

State v. Perutz. State grand jury indictment charges of theft by deception emanated from the defendant allegedly impersonating a physician and gaining employment at three medical centers within New Jersey. Perutz was also charged with perjury during a hearing before the State Board of Medical Examiners concerning his medical license qualifications.



Deputy attorneys general preparing a criminal case for trial.

Appellate Litigation

The Appellate Section has supervisory responsibility for the prosecution of all criminal appellate matters in the state. After reviewing all the plenary adult criminal appeals from the 21 county prosecutors' offices, the section retains approximately 75% for prosecution. In addition, most of the plenary appeals from within the Division are prosecuted by the Appellate Section. The centralization of appellate litigation ensures consistent quality in the state's representation in criminal matters, uniformity in responding to similar issues and increased efficiency in the preparation of briefs.

Section attorneys appear in criminal matters before the United States Supreme Court, the State Supreme Court, the Appellate Division of the Superior Court, the Third Circuit Court of Appeals, the Federal District Court and in special litigation before the state's trial courts. Essentially, appellate litigation and related activities including implementation of the death penalty statute; publication of the *Criminal Justice Quarterly*; revisions to the *Criminal Law Digest*; and participation in legislative initiatives, training and legal research provide the law enforcement and criminal justice community with current, useful information concerning the criminal law and procedure.

During 1985, 2,184 appeals were received, 1,422 briefs were filed by the Appellate Section and 2,067 appeals were disposed. Of particular significance, two capital punishment cases, *Ramseur* and *Biegenwald*, were argued before the New Jersey Supreme Court and briefs have been filed in seven other death penalty cases. In addition, the section filed seven *amicus curiae* briefs with the United States Supreme Court.

Additional criminal appeals of statewide significance are highlighted below.

Miller v. Fenton. The United States Supreme Court decided that the presumption of correctness does not apply to the federal court's review of the voluntariness of a confession admitted in a state criminal prosecution.

New Jersey v. T.L.O. The United States Supreme Court granted the state's petition for certiorari and conducted reargument concerning the applicability of the Fourth Amendment to searches of students, holding that such searches were legal.

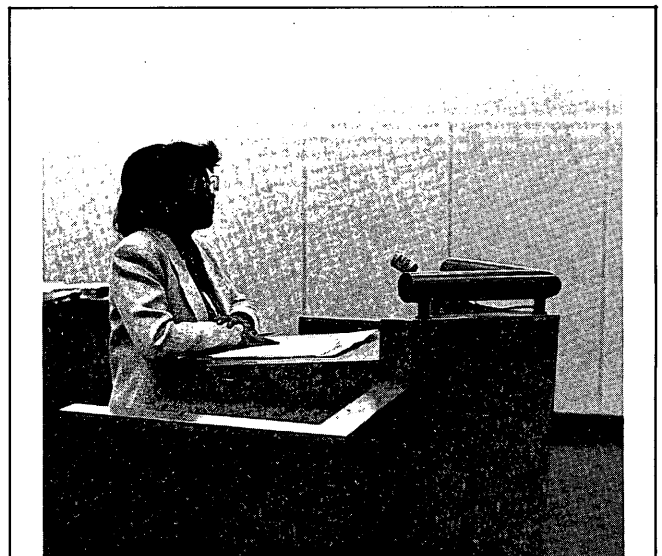
State v. Reldan. The State Supreme Court affirmed the admissibility of previously suppressed evidence in the retrial of a significant murder trial.

State v. Jackson. The State Supreme Court agreed with the state's position that merger of conspiracy into the substantive offense will not be required when a multiple objective conspiracy is demonstrated.

State v. One 1979 Pontiac Trans-Am. The State Supreme Court upheld the constitutionality of the state's forfeiture statute and applied a limited innocent owner exception.

State v. Choice. The State Supreme Court reinstated defendant's conviction and greatly modified its prior holding in *State v. Powell* concerning the level of proof necessary before a judge is required to instruct on a lesser included offense.

State v. Yarbough. The State Supreme Court established standards for imposing consecutive sentences.



Deputy attorney general conducting oral arguments during appellate litigation.

State v. Gregorio. The Appellate Division affirmed the conviction of John Gregorio, former state senator and mayor of Linden, for misconduct in office and conspiracy.

State v. Bianco. The Appellate Division upheld the constitutionality of the Excessive Sentence Oral Argument Program, instituted to expedite the handling of the large volume of criminal sentence appeals.

Morrison v. Kimmelman. The United States Supreme Court granted the state's petition for certiorari on the issue of whether the **Stone v. Powell** doctrine applies to a claim of ineffective counsel based on failure to raise a Fourth Amendment issue.

Significant pending matters concern issues involving whether the failure to present exculpatory evidence to a grand jury violates a defendant's constitutional rights; the appropriateness of provocation as a defense to aggravated manslaughter; the applicability of self-defense as justification for possessing a weapon for future protection; whether involuntary intoxication justifies reducing a charge of murder to aggravated manslaughter or manslaughter; and a requirement that the state demonstrate the operability of a firearm for a *Graves Act* sentence to be imposed.

Career Opportunities

Without doubt, the Division's most important resource is its employees. Great effort is made towards and importance placed upon attracting and keeping the brightest and the best men and women in the criminal justice field. Employment with the Division provides opportunities for professional growth and career advancement through varied responsibilities and experience.

Positions exist for deputy attorneys general, investigators, other professionals including accountants, administrative analysts, law enforcement and training specialists, data processing personnel, as well as various clerical, secretarial and support personnel. In addition, the Office of the State Medical Examiner employs medical professionals and forensic science specialists.

When originally established, the Division sought experienced investigative and prosecutorial personnel. Today, in addition to hiring experienced employees, the Division actively recruits recent graduates with degrees in law, business administration and accounting, criminal justice and related fields.

Most new attorneys who are recent graduates of law school are initially assigned to the Appellate Section. This section has statewide responsibility for the prosecution of criminal appeals. Section attorneys appear before the State Supreme Court, Appellate Division, state trial courts, as well

as the Third Circuit Court of Appeals, Federal District Court and United States Supreme Court. Additional responsibilities include participation in legal research, preparation of legislative comments and initiatives, provision of legal advice to the state prosecutorial community, and publication of the *Criminal Law Digest* and *Criminal Justice Quarterly*. Such diverse activities offer the new attorney a broad orientation and foundation to criminal law and procedure. After 18 months with the Appellate Section, attorneys may request transfers to other sections within the Division. In general, these sections participate in litigation and investigative activities concentrating on casino prosecutions, major fraud, environmental prosecutions, special prosecutions (organized crime and corruption), antitrust violations and fraud, waste and abuse in government programs.

State investigator assignments are equally as diverse. Experiences and learning opportunities are not limited to on-the-job training, but also include basic, advanced and specialized training. For those without prior law enforcement experience, training begins with a five-week basic skills course in investigative procedures and the use of firearms. Moreover, annual in-service training courses cover changes in the law and investigative procedures as well as specialized topics such as computer fraud, financial crimes, homicide and arson investigations, crime scene photography and firearms requalification.

Training

To achieve the highest possible standards of professionalism and enhance overall efficiency and effectiveness of the criminal justice system, the Division is committed to providing continual training for all members of the state law enforcement and criminal justice community. The design and implementation of training programs is primarily the responsibility of the Training Section, which receives input and support from the entire Division, the county prosecutors, local law enforcement and other criminal justice agencies.

Major training programs conducted during 1985 include:

- An in-service training course for Division state investigators covering topics such as arrest law and procedure, rules of evidence, interview and interrogation techniques.
- A five-week basic training course for county prosecutors' investigators/detectives and state investigators.



New Jersey police and fire personnel participating in statewide arson investigation training.



Department of Insurance personnel attending Division training program on investigative procedures.

- Basic and advanced arson investigation training courses.
- A basic course for municipal prosecutors.
- A basic prosecution course for new deputy attorneys general and assistant prosecutors.

Additionally, the Training Section presented seminars on financial crimes, juvenile prosecution, crime prevention, crimes against women, and productive interrogation techniques.

A major focus of training activities concerns hazardous waste—problems and techniques of investigating illegal disposal of toxic wastes as well as prosecution issues and strategies. During 1985, the Northeast Hazardous Waste Project conducted basic and advanced hazardous waste courses for over 250 criminal and environmental enforcement officers in the northeast area; a hazardous waste criminal enforcement seminar attended by over 150 scientists, attorneys and investigators; as well as periodic conferences covering specialized topics such as site mitigation, aerial photography, execution of large-scale search warrants, intrastate violators, legislative issues and innovative programs to combat environmental violators. New programs are de-



Division training manuals depicting a diversity of programs and seminars.

signed as the need arises and tailored to specific agencies and personnel groups within hazardous waste or environmental fields. Both the Northeast Project and the Environmental Prosecutions Section actively participate in regional and national symposiums and assist in developing training programs and informational resources concerned with hazardous waste investigations, prosecutions and enforcement.

Moreover, the Division, through its Appellate Section, conducts specialized training on appellate practice and procedural issues involving sentencing, the penal code, drunk driving and the death penalty during both Division-sponsored programs and programs sponsored by external agencies and organizations such as the Administrative Office of the Courts, the Institute for Continuing Legal Education and the New Jersey Bar Association.

The Police Training Commission, legislatively established in 1961, was instituted to improve the administration of local and county law enforcement through education, training and higher standards of performance. In conjunction with this goal and purpose, the Commission develops and administers a compulsory basic training program for newly-appointed police officers statewide. Over the past year, 1,199 police recruits were enrolled in this basic

course. In addition, courses specifically designed for county prosecutors' detectives, deputy sheriffs, county park rangers, and arson investigators are administered by the Commission and conducted at several commission-approved schools.

The Performance Objective System of Training (POST), which relates specific training lessons to the activities and tasks performed in the field, was implemented in more than half of the commission-approved schools. By January 1986, the POST program will be implemented as the compulsory basic police training in all approved schools.

Among other efforts to achieve improved standards of police performance, the Commission adopted an updated basic course firearms manual which incorporates new areas of training and higher standards for qualification, approved for implementation a physical conditioning program designed to enhance the fitness level of police trainees, and initiated a comprehensive law enforcement physical activity survey for use in developing physical training standards for entry-level police officers.



Police Training Commission basic police training program for police recruits.

Policy and Legislation

Working in cooperation with the Office of the Attorney General, the Legislature and the Governor's Office, the Policy and Legislation Unit prepares legislative initiatives and monitors legislation with the potential to affect Division operations, the county prosecutors' offices, the administration of police services and the criminal justice system generally. Upon identifying problematic areas in criminal procedure, police administration and substantive criminal law, remedial legislative initiatives are drafted. In addition, innovative solutions to questions pertaining to litigation, policy and administrative matters within the Division are routinely developed.

In 1985, several legislative initiatives were drafted and successfully promoted, including a package of bills, known collectively as the victims bill of rights, designed to protect the interests of victims and witnesses involuntarily drawn into the criminal justice system. Legislation was also developed prohibiting the use and possession of stun guns, clarifying both the state capital punishment statute and the duties and powers of special police officers.

In conjunction with developing legislative proposals to address law enforcement and criminal justice system problems, procedures were developed for implementing a number of Attorney General directives, including those pertaining to uniform search warrant application procedures, restricting the strip searches of minor offenders, and mandating biannual firearms requalification for all law enforcement officers. Additionally, Division staff are developing standardized search warrant application forms; comprehensively reviewing the Controlled Dangerous Substance Act; preparing legislative initiatives prohibiting the possession and distribution of drugs purposely designed to simulate the chemical structure and effect of controlled dangerous substances; and developing amendments to the penal code which would aid in the prosecution of white collar crime offenders and remove the economic incentive to commit white collar crime.

Proposals currently under consideration include the establishment of a statewide narcotics task force and a statewide Targeted Offender Prosecution Program (TOPPS), as well as amendments to the Police Training Act to create a Police Standards Committee and to study the feasibility of establishing a statewide criminal justice academy.

Research

The Division, through various research activities, seeks to identify, understand and improve law enforcement and the administration of criminal justice statewide. Examinations and assessments are made of existing and proposed statutes, criminal justice practices and programs to determine their impact on and contribution to uniform and efficient administration and enforcement of the criminal laws.

Overall, the Research and Evaluation Section assumes a major responsibility for research activities within the Division, while legal and procedural issues involving state statutes are specifically addressed by the Appellate Section and Policy and Legislation Unit.

Research activities are diverse and address a broad range of issues including statewide investigative and prosecutorial activities, prison overcrowding and criminal sentencing practices, as well as juvenile delinquency and prosecution. In addition, special interest research areas include capital punishment and state electronic surveillance activities, hazardous waste crime, and drug and alcohol abuse among New Jersey youth.

Subsequent to the enactment of the state death penalty statute, the Division has extensively participated in its implementation and application. In addition, a data base is maintained to analyze the application of the capital punishment statute and use of the death penalty.

Significant research efforts completed during 1985 include a report to the state legislature on motions to waive juveniles for prosecution in adult court, a comprehensive four-state analysis of criminal prosecution for hazardous waste violations, and an assessment of the use of court authorized electronic surveillance in New Jersey over the past six years. In addition, statistical analyses are being conducted concerning statewide prosecution activities based on data from county prosecutors' annual reports and the Division's case disposition study.

Administrative Functions and Records Management

Division administrative and management responsibilities consist of both support services to bureaus, sections and units within the Division and operation level services to county prosecutors' offices, including the oversight of county confidential funds, audits and budget development assistance. Other related responsibilities include the administration of the Police Training Commission, the Office of the State Medical Examiner and the Commission to Deter Criminal Activity. Generally, administration and management functions are primarily the responsibility of two sections, the Administrative Section and the Information and Records Management Section.

The Administrative Section supervises fiscal matters, budget preparations, personnel functions and general support services, including vehicle coordination, property control, communications equipment, and word processing services.

Fiscal responsibilities include implementation of the \$11.1 million budget for fiscal 1986 and preparation of the \$13.3 million budget for 1987, as well as administration of Police Training Commission funds (\$471,000), the Office of the State Medical Examiner budget (\$2,389,000), Commission to Deter Criminal Activity funds and grant funds. State and federal grant funds totalling \$3.2 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 section supervises the anti-trust revolving fund in the amount of \$1.4 million, the State Grand Jury budget and reimbursements from the New Jersey Department of Labor and Industry for employment security investigations.

The Information and Records Management Section maintains a centralized, master index of all matters previously and presently under review by the Division of Criminal Justice. In addition to producing lists of pending cases and case status information for use in managing case activity and workload volume within individual sections and units, a computerized system to enable case tracking is being implemented. Overall, more than 4,000 new cases were processed during 1985.



Administrative Section staff member updating computerized personnel files.



Information and Records Management personnel filing Division case status information.

Serving as the Attorney General's representative in matters involving complaints of a criminal nature addressed to the Governor, Attorney General and other state agencies, the Information and Records Management Section reviewed over 1,500 citizen complaints during 1985. Many such complaints are from persons who have exhausted other options in expressing their complaints and have contacted the Division as a final recourse.

Other major administrative functions include op-

eration of the Criminal Information Unit; issuance of investigative and surveillance equipment; coordination of records retention, destruction and micro-filming; provision of indictment and conviction notification to concerned licensing and regulatory agencies; maintenance of criminal investigation evidence; and completion of employee background investigations. During 1985, approximately 450 background investigations were conducted for this Division, the Division of Law and county prosecutors' offices.

Automation

After several years of planning, the Division has greatly expanded its use of automation to assist in management activities as well as other daily operations and functions. A division-wide case tracking and management system was designed and is being implemented to provide automated capabilities which enable all levels of management to efficiently monitor the activity and status of Division cases. To prepare for automation, a revised information reporting system and standardized data entry forms were designed to ensure that initial and update case information is accurately captured.

To increase the efficiency of clerical operations, two new IBM word processing systems were installed in addition to the existing WANG system. Moreover, personal computers and software packages are being made available throughout the Division to meet specific needs for file and report generation, data management and statistical analysis. To date, personal computers have been used to automate the Division's evidence system, the Northeast Hazardous Waste Project files and resource information, a capital punishment data base, prosecutors' annual report information and data from several major investigations. In specific, computer systems have enhanced investigative effectiveness through computer targeting of medicaid fraud by pharmacies and transportation providers, as well as fuel oil fraud operations.

The PCs are used to network Division word processors as well as other state computers, such as those accessed by the Environmental Prosecutions Section. The Division, through remote terminals, also accesses systems maintained by other state agencies to conduct statistical analyses and obtain corporate financial records as well as criminal and motor vehicle violation records.

Moreover, the Division, in cooperation with the Administrative Office of the Courts, manages the development and installation of a statewide computer-based information system and criminal case management tool known as PROMIS/GAVEL. The PROMIS component enables prosecutors to have on-line information for all cases from date of receipt to final disposition and provides reports necessary for the daily management of the office. The GAVEL component serves as a managerial tool for the local trial courts, providing computerized calendars, schedules and required statistical reports.

To date, installation is complete in 12 counties; installation in all 21 counties is projected for the end of 1986. This project is unique in that no other state has attempted to jointly automate prosecutorial and trial court agencies. Agency cooperation, staff support in program development and maintenance, and county-level funding has enabled successful operation of PROMIS/GAVEL within New Jersey. During the past year, many counties have expanded system usage and upgraded system equipment. In addition, training manuals were improved to facilitate the installation, system programs and modules were modified to expand the system capabilities, and many new users were introduced to the system, including a local police department and a county sheriff's office. Moreover, with approval granted to utilize PROMIS/GAVEL as the official court record of case activity, many counties are able to eliminate manual court docket records concerning criminal cases.

Forensic Science

Reconstructing a human face from skeletal remains, while an exceptional service, is one which is provided by the Office of the State Medical Examiner. Moreover, using bone fragments, the resident anthropologist routinely determines the age, sex and race of victims. These services, performed at the request of law enforcement agencies, will sometimes contribute to the arrest of the person responsible for the victim's death.

As the hub of the state medical examiner's system, the Office of the State Medical Examiner is responsible for the medical investigation of all known or suspected homicides, suicides, accidental, suspicious or unusual deaths. The office also monitors health situations which threaten public safety and conducts research concerning related issues. In addition, the state medical examiner supervises all county offices and provides professional and technical assistance to the county medical examiners and other law enforcement agencies. Along with its day-to-day operations, the state office not only supervises, but also supersedes in operations in county medical examiners' offices. As a result, at some time during 1985, the state office superseded operations in Essex, Gloucester, Hudson, Sussex and Warren Counties.

The implementation of revised rules and regulations over the past few years, along with revised standards and procedures and availability of modern facilities, greatly improved the quality of medical examiner services throughout New Jersey. Legislative proposals developed during 1985 are intended to further improvements by clarifying the responsibilities of the state medical examiner, providing remedial measures to address supersession and backlog issues and facilitating more efficient management overall of both state and county medical examiner services. Other new issues or areas being addressed include the acquisition of additionally needed equipment for toxicology examinations, the provision of continuing educational/training pro-

grams for medical examiner personnel statewide, and the need for a computer system for information management and scientific applications.

Additional functions of the state medical examiner include the completion of toxicology examinations and autopsies. Over the past year, the state medical examiner performed 676 autopsies. Moreover, using the state Institute of Forensic Science facilities, county medical examiner personnel examined over 1,900 bodies for medicolegal investigations. Statewide, approximately 23,000 bodies were examined for cause of death by both county and state medical examiners.



Office of the State Medical Examiner lab technician preparing slides for toxicological examination.

Statistical Summary and Supplemental Information

Organization

The Division staff consists of deputy attorneys general, investigators, professional and clerical personnel. The approximately 450 employees of the Division are organized in such a way as to accomplish its duties and responsibilities.

The primary organizational subdivisions which exercise separate but complementary functions integral to the overall operation and success of the Division are the Investigations Bureau, Special Prosecutions Task Force, Environmental Prosecutions Task Force, Operations Bureau and Administration Bureau.

The Investigations Bureau is responsible for criminal investigations and prosecutions in the areas of organized crime, casino gaming-related matters, regulatory violations within the solid waste industry, economic crime and fraud, and antitrust violations.

The Special Prosecutions Task Force investigates and prosecutes major criminal offenses having statewide significance, with particular emphasis on matters involving organized crime or official corruption, and coordinates state police investigations utilizing electronic surveillance.

The primary responsibilities of the Environmental Task Force include the investigation and prosecution of fraudulent schemes within the hazardous waste industry, illegal operations of hazardous waste facilities, and illegal storage and disposal of hazardous waste.

The Operations Bureau coordinates criminal justice system activities and provides supervision to the 21 county prosecutors and local law enforcement agencies. In addition, the operation of the centralized criminal appellate function, law enforcement/criminal justice legislative initiatives and prosecution of county supersession cases are responsibilities of the bureau.

The Administration Bureau provides technical, managerial, training, information and research assistance to the statewide law enforcement structure, as well as word processing and data processing

services, and primary support services to the other bureaus and sections within the Division.

Also within the framework of the Division of Criminal Justice are the Police Training Commission, the Office of the State Medical Examiner, and the Commission to Deter Criminal Activity.

Within each bureau of the Division of Criminal Justice are functional sections and units, each with specific areas of responsibility.

- *Administrative Section.* The Administrative Section supervises all Division fiscal matters, budget preparations, personnel matters, vehicle coordination, property control, communications equipment, and word processing services, and conducts audits of the county prosecutors' offices.
 - *Antitrust Section.* The Antitrust 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 anti-trust enforcement activities and prosecutions within the state.
 - *Solid Waste Unit.* This unit, within the Antitrust Section, is primarily responsible for the investigation and prosecution of anti-competitive practices, racketeering, and other illegal practices in the solid waste industry.
 - *Appellate Section.* Appellate Section responsibilities include the prosecution of most criminal appeals from both 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 Section.* 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.* This 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.
 - *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 this Division, the Division of Law and county prosecutors' offices.
-

-
- **Criminal Information Unit.** This unit serves as a criminal information archive for all Division cases and accesses criminal history, corporation financial and other resource information through computer interfaces.
 - **Major Fraud Section.** The Major Fraud Section specializes in the investigation of white collar criminal 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 programs and neglect or abuse of patients in medicaid-funded facilities.
 - **Northeast Hazardous Waste Project.** The Northeast Hazardous Waste Project, administered by the Division of Criminal Justice, 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 13 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 deaths. In addition, the state medical examiner provides professional and technical assistance to the county medical examiners and other law enforcement agencies.
 - **Police Training Commission.** The Police Training Commission is responsible for administering the statutory provision 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 administrative problems within the Division.
 - **Program Integrity Section.** The Program Integrity Section investigates fraudulent misapplications of public funds in government programs. Although primarily concerned with the investigation of criminal conduct, the section also analyzes the underlying causes of such conduct and related problems to determine whether management or the administrative organization within a particular program or agency has contributed to the criminal conduct under investigation.
 - **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 will be 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's 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.
 - **Special Projects Unit.** This newly-formed unit concentrates investigative and prosecution activities in areas not traditionally emphasized by the Division such as the infiltration of organized crime elements in the waste and fuel oil industries, drug diversion, and civil racketeering (RICO) matters.
 - **State Grand Jury Litigation Section.** This section is responsible for the trial preparation and prosecution of the majority of indictments emanating from the State Grand Jury.
 - **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.
 - **Training Section.** The Training Section is responsible for planning and delivering training and educational programs designed to improve the overall efficiency and effectiveness of all Division personnel, prosecutors' staffs, and other county and local law enforcement officers.
 - **Trial Section.** The Trial Section is primarily 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.
 - **Unemployment Fraud Unit.** This unit investigates and prosecutes matters involving unemployment tax fraud or claimant fraud.
-

**DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED
BY MANNER OF DISPOSITION 1985**

| | TOTAL DEFENDANTS DISPOSED | CONVICTIONS | PTI/ CONDITIONAL DISCHARGES | DISMISSALS | ACQUITTALS |
|------------------------|--|--------------------|--|-------------------|-------------------|
| Antitrust, Solid Waste | 2 | 2 | - | - | - |
| Casino Prosecutions | 95 | 62 | 21 | 8 | 4 |
| Environmental | 10 | 6 | 3 | - | 1 |
| Major Fraud | 25 | 22 | 2 | - | 1 |
| Medicaid | 34 | 23 | 4 | 1 | 6 |
| Program Integrity | - | - | - | - | - |
| Tax Evasion | 14 | 14 | - | - | - |
| Special Prosecutions | 29 | 9 | 10 | 9 | 1 |
| SGJ Litigation | 149 | 102 | 8 | 34 | 5 |
| Trial | 80 | 63 | 10 | 3 | 4 |
| Division TOTAL | 438 | 303 | 58 | 55 | 22 |

**MONIES ASSESSED AS A RESULT OF DIVISION
PROSECUTION ACTIVITIES 1985**

| | CRIMINAL FINES/COSTS | RESTITUTION | VCCB PENALTIES | CIVIL (PENALTIES) LIABILITIES | FORFEITED PROPERTY | ANTITRUST SETTLEMENT AWARDS |
|------------------------------|---------------------------------|--------------------|---------------------------|--|-------------------------------|--|
| Antitrust, Solid Waste | - | - | - | - | - | 818,987.31 |
| Casino Prosecutions | 51,100.00 | 41,157.00 | 3,875.00 | - | - | - |
| Environmental | 31,600.00 | 1,118.00 | 50.00 | - | - | - |
| Major Fraud | 5,000.00 | 478,031.00 | 507.00 | - | - | - |
| Labor Unit | 38,700.00 | 67,316.96 | - | - | - | - |
| Medicaid | 97,050.00 | 41,250.78 | 1,250.00 | 2,426,520.00 | - | - |
| Program Integrity | - | - | - | - | - | - |
| Tax Evasion | 150,000.00 | 700,000.00 | - | - | - | - |
| Unemployment | 36,527.00 | 4,005,015.80 | 375.00 | - | - | - |
| Special Prosecutions | 11,000.00 | 1,360.00 | 350.00 | - | 859,908.00 | - |
| SGJ Litigation | 205,150.00 | 25,376.00 | 2,650.00 | - | - | - |
| Trial | 47,477.00 | 64,650.00 | 12,385.00 | - | - | - |
| TOTAL | \$673,604.00 | \$5,425,225.54 | \$21,442.00 | \$2,426,520.00 | \$859,908.00 | \$818,987.31 |
| TOTAL \$10,225,686.85 | | | | | | |

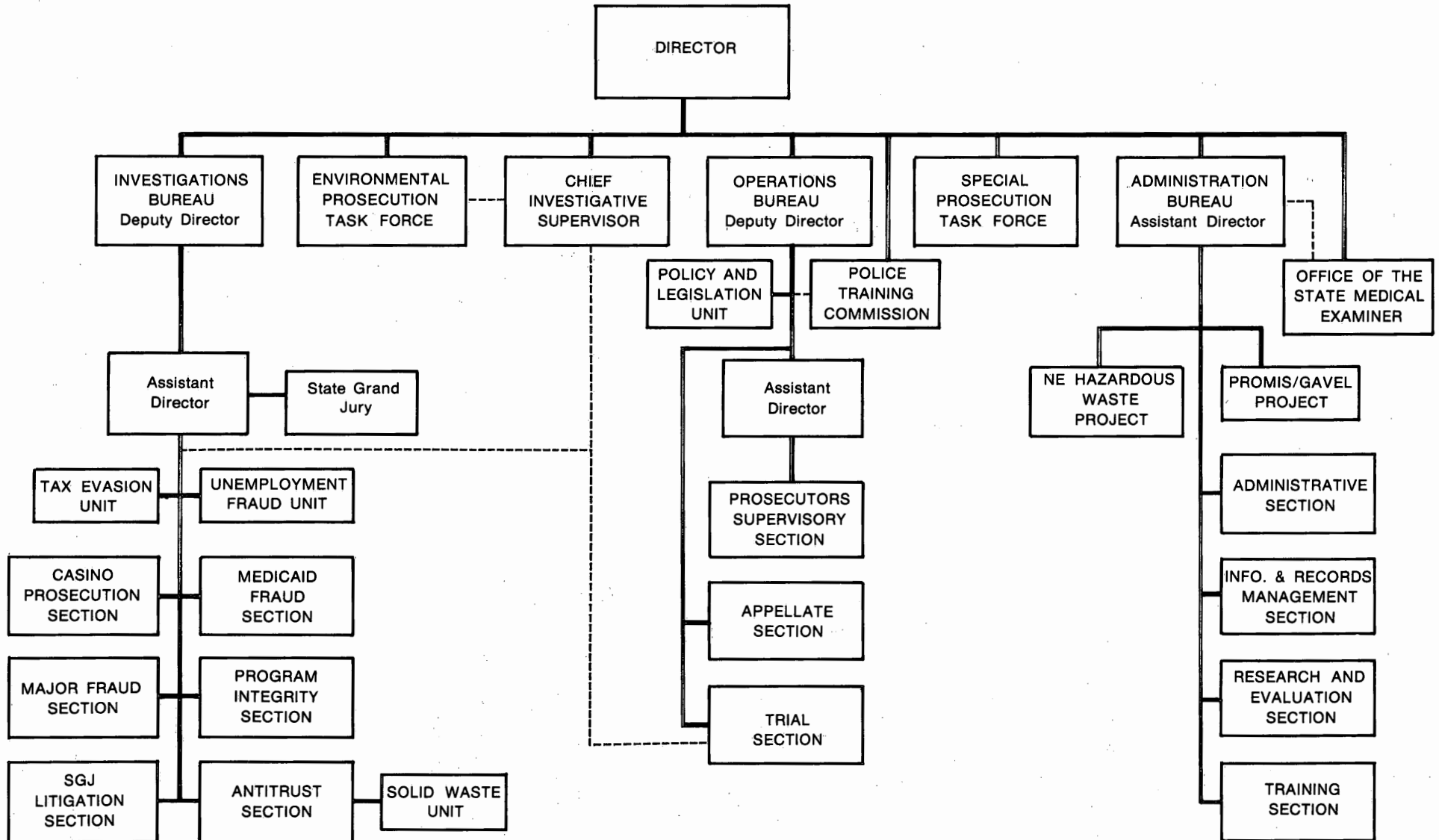
**DIVISION OF CRIMINAL JUSTICE
STATISTICAL SUMMARY
1985**

| | Investigations | | | |
|-------------------------------------|----------------|--------|--|--------|
| | Opened | Closed | | |
| INVESTIGATIONS BUREAU | | | OPERATIONS BUREAU | |
| Antitrust | 26 | 20 | Appellate Activities | |
| Solid Waste | 72 | 66 | Appeals Opened | 2,184 |
| Casino Prosecutions | 263 | 256 | Appeals Closed | 2,067 |
| Major Fraud | 192 | 183 | Briefs Filed | 1,422 |
| Medicaid Fraud | 106 | 87 | Legislative Activities | |
| Program Integrity | - | 6 | Initiatives/Comments | 220 |
| Tax Evasion | 11 | 7 | Prosecutors Supervisory | |
| Unemployment Fraud | 8 | 10 | Prosecutors Advisories | 145 |
| Special Projects | 17 | 3 | Citizen Complaints Received | 254 |
| State Grand Jury Litigation | 45 | 59 | Witness Immunity Petitions (County) | 28 |
| Total | 740 | 697 | Trial Section | |
| | | | Cases Opened | 174 |
| | | | Cases Closed | 146 |
| ENVIRONMENTAL | | | ADMINISTRATION BUREAU | |
| PROSECUTIONS | | | Administrative Section | |
| TASK FORCE | 77 | 84 | Personnel | |
| | | | New Employees | 82 |
| SPECIAL PROSECUTIONS | | | Employees Terminated | 59 |
| TASK FORCE | 233 | 220 | Applications | 751 |
| ELECTRONIC SURVEILLANCE | | | Information and Records Management Section | |
| Court Authorized | | 40 | Cases Opened | 1,896 |
| Consensuals | | 99 | Complaint Investigations | 1,520 |
| STATE GRAND JURY ACTIVITIES | | | Background Investigations | 473 |
| Indictments/Accusations | | 136 | Training Section | |
| Defendants Charged by | | | Training Courses/Projects Completed | 27 |
| Indictment or Accusation | | 252 | Research and Evaluation Section | |
| COUNTY GRAND JURY ACTIVITIES | | | Projects Completed | |
| Indictments/Accusations | | 183 | Information Research/Internal Analysis | 20 |
| Defendants Charged by | | | Long-Term Projects | 5 |
| Indictment or Accusation | | 228 | Police Training Commission | |
| TOTAL GRAND JURY ACTIVITIES | | | Basic Course Trainees | 6,150 |
| Indictments/Accusations | | 319 | Programs | 162 |
| Defendants Charged by | | | Office of the State Medical Examiner | |
| Indictment/Accusation | | 480 | Autopsies Performed | 761 |
| | | | County Autopsies Reviewed | 4,145 |
| | | | Toxicology Cases | 3,554 |
| | | | Investigations | 20,824 |

DIVISION OF CRIMINAL JUSTICE

TABLE OF ORGANIZATION

1985



Published by
Division of Criminal Justice
John G. Holl, *Deputy Director*
Thomas J. O'Reilly, *Assistant Director*

Patricia Caldwell
Sandra Leland
Sheree Rheinhardt
Raymond Shaffer
Ronald Susswein
Joseph Trapp
Judy Wheat

State of New Jersey
Department of Law and Public Safety
DIVISION OF CRIMINAL JUSTICE
25 Market Street, CN 085
Trenton, N.J. 08625

