

DIVISION OF CRIMINAL JUSTICE

ANNUAL REPORT 1984



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY

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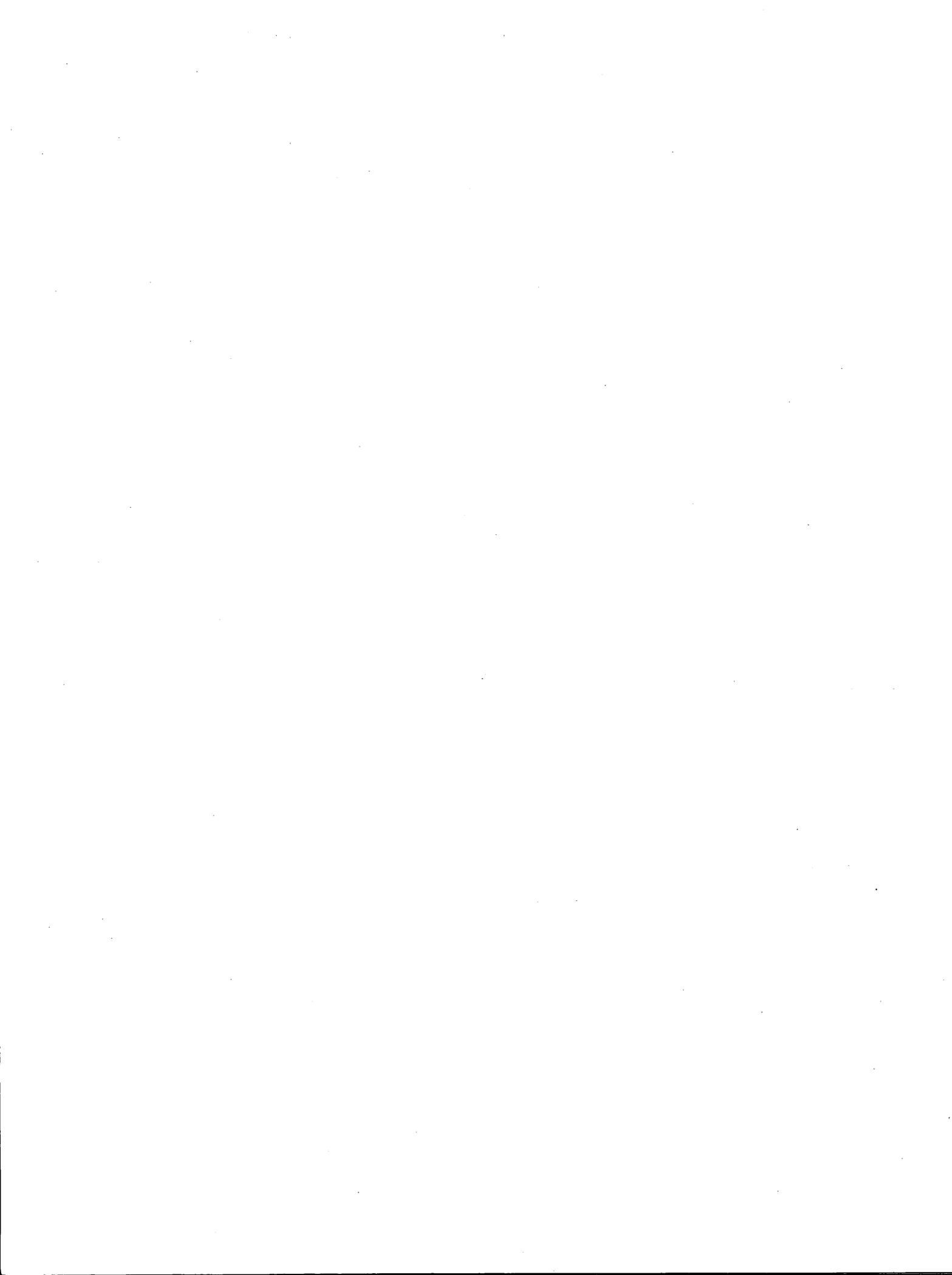


**State of New Jersey
Department of Law and Public Safety
Division of Criminal Justice**

**Thomas H. Kean, Governor
Irwin I. Kimmelman, Attorney General
Donald R. Belsole, Director**

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The Division of Criminal Justice

The Criminal Justice Act of 1970 (N.J.S.A. 52:17B-97 et seq.) established a coordinated and integrated law enforcement system in New Jersey. The Attorney General, designated as the chief law enforcement officer of the state, provides for the uniform and efficient administration of the criminal laws. The *Division of Criminal Justice*, on behalf of the Attorney General, performs the functions and responsibilities pertaining to law enforcement and the administration of criminal justice, including investigation and prosecution of criminal offenses of statewide significance and general 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 initiatives, 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.

Moreover, the Division exercises the original jurisdiction of the Attorney General to investigate and prosecute criminal offenses of statewide significance and supersedes in those cases where a conflict of interest may exist with the prosecutor's office. Activities involving hazardous waste, organized crime and conspiracies, fraud, waste and abuse in government programs and antitrust violations demonstrate the Division's concern for the citizens of New Jersey as well as the quality of law enforcement. In addition, the Division receives and responds to correspondence, inquiries and complaints concerning the criminal justice process or some aspect of the law enforcement/criminal justice system.

Over the past year the Division of Criminal Justice has made significant accomplishments in several major areas of criminal justice and law enforcement and continues to respond to changing priorities and initiatives which affect both the justice system and quality of life in New Jersey. The investigation and prosecution activity of the Division, as well as public interest activities, internal administrative actions and the introduction of system improvements demonstrate the Division's ability to respond to changing criminal justice needs and the citizens of the state.

Highlights of 1984

- *State v. Noble Oil, et al.* A state grand jury returns a 109-count indictment against various individuals and companies in a case receiving nationwide attention because of the charges that certain defendants mixed hazardous waste with heating oil.
- *State v. Vernon Valley Recreation Association, et al.* An exhaustive Division investigation into the Vernon Valley Ski Resort leads to two indictments charging numerous individuals and corporations with various counts of embezzlement, conspiracy, theft, misconduct, forgery and doing business as an unauthorized insurance company.
- *State v. BFI.* The Division enters into a \$3 million civil settlement with BFI and simultaneously institutes criminal and civil proceedings against various other companies as part of its continuing investigative efforts in the state's solid waste industry.
- *New Jersey v. T.L.O.* The United States Supreme Court hears reargument in this case which involves the applicability of the Fourth Amendment to searches of students conducted by school officials.
- *State v. Atlantic City Produce and State v. Corbo, et al.* The state grand jury returned indictments in two cases involving racketeering (RICO) violations which allege organized crime infiltration within the Atlantic City casino industry and hot dog and produce businesses.
- *State v. Leone, et al.* A state grand jury returned an indictment charging three Waterford Township police officers, including the chief of police and a lieutenant, in conjunction with criminal conduct by which the former chief of police was set up and convicted of a criminal offense.
- *Romano v. Kimmelman.* The Division successfully defends the reliability of the breathalyzer in drunk driving prosecutions before the New Jersey Supreme Court.
- The Division participates as *amicus curiae* in two cases before the State Supreme Court involving the constitutionality of New Jersey's death penalty.
- The Division's Unemployment Fraud Unit obtains 474 convictions and court ordered fines and restitution in excess of \$5.3 million, an increase of more than 300 percent over 1983.
- Two additional states, Ohio and Virginia, join the Division-based Northeast Hazardous Waste Project, bringing total membership to 13 states.
- Strict new eligibility and training standards for county medical examiners, promulgated by the State Medical Examiner, take effect in December of 1984 as yet another major step in upgrading the medical examiner system.
- The Division's Medicaid Fraud Section, through the successful use of computer targeting, obtains 43 convictions and 44 indictments/accusations, increases over 1983 levels of 13% and 52% respectively.
- The Police Training Commission published "Police Training in New Jersey: A Prospectus," a comprehensive proposal to upgrade the quality of police training in the state and begins implementation of the Performance Objectives System of Training (POST), a newly-mandated curriculum designed to better deliver educational services to police applicants.
- The Division coordinates the organization and staffing of the newly-formed Commission to Deter Criminal Activity and incorporates a non-profit corporation, New Jersey Citizens Against Crime, Inc., to serve as the fundraising arm of the Commission.

Environmental Response

The Division, because of its experience and expertise in hazardous and toxic waste investigation and prosecution, has achieved a position of national prominence. A specialized investigation and prosecution unit was first established in 1978. Although the federal grant funds used to establish that unit were later exhausted, the Division instituted the Environmental Prosecutions Section to address hazardous waste concerns. Since that time, numerous significant cases have been successfully prosecuted and the Division has established a national precedent-setting trend in the area of custodial sentences imposed for significant environmental-related criminal prosecutions.

In 1984, as a culmination of three years of extensive investigative and prosecutorial efforts, the Division obtained a state grand jury indictment of national significance against the Noble Oil Company, Inc., L.D.C. Chemical Services, Inc., and A & A Waste Oil, Inc., as well as various company officers and employees. The 109-count indictment emanated from a large-scale, on-going conspiratorial scheme to mix hazardous waste with heating fuel oil that was subsequently sold to the public. The indictment charges conspiratorial activities and hazardous waste violations which continued over a period of three years and involved hazardous waste generated by companies within five states.

Due to the magnitude of the problem of illegal disposal of hazardous and toxic waste, the Division has continuously expanded its overall involvement in this area. In 1983, in addition to the Environmental Prosecutions Section activities concerning hazardous waste, the Solid Waste Unit concentrated investigative activities on anti-competitive practices, racketeering and other illegal practices in the solid waste industry. This unit makes use of various civil and criminal remedies in its enforcement and prosecution activities. In 1984, as a result of this unit's efforts, the Division entered into a \$3 million civil settlement with BFI for the prior involvement of certain of the company's subsidiaries and former employees in a conspiracy in restraint of trade in the solid waste industry.

Moreover, the Division administers and serves a leadership role on the federally-funded, multi-state Northeast Hazardous Waste Project. This project, aimed at the illegal transportation, storage and disposal of toxic or hazardous waste, is developing a centralized information bank to allow interface capabilities among participating states to facilitate the exchange of technical and investigative information. In addition, the project periodically conducts public educational and law enforcement training programs. During the past year, the project, originally covering an 11 state area, was expanded to include two additional states and has been requested to provide technical assistance to additional states.

In conjunction with efforts to combat hazardous waste problems, the Northeast Project initiated a research project to review regulatory and enforcement efforts by analyzing dispositions of hazardous waste criminal prosecutions in New Jersey and other project states. A second and related research project, an interstate hazardous waste crime analysis, will be used to form a viable offense and offender profile of criminal characteristics and will furnish insight into the methods used in hazardous waste crimes, the skills required and patterns of criminal networks. The availability of this data is intended to assist law enforcement in hazardous waste crime control and detection, as well as aid information exchange between states, an essential element of enforcement because of the interstate nature of many hazardous waste offenses and the mobility of many waste hauling corporations.

On another front to attack the hazardous and toxic waste problem, Division staff participated extensively in the development of regulatory legislation. This new law requires persons seeking involvement in solid and hazardous waste industry to provide disclosure statements and undergo background checks regarding business interests and criminal records prior to being granted a license. The overall intent of the law, along with other Division activities in this area, is to minimize the serious health and environmental threats to New Jersey residents.

Public Interest

Activities

While seeking to achieve uniform, efficient law enforcement and criminal justice, the Division of Criminal Justice conducts many activities and performs valuable services which benefit the public. Among these activities are criminal investigations into official corruption, fraud, pollution of our air, water and land, and violations of our antitrust laws—criminal incidents which affect both the quality of life of New Jersey citizens and the cost of doing business in the state.

The Division aggressively pursues individuals who betray the public trust and continues to make inroads in the battle against statewide organized crime. Environmental investigations target the illegal transportation of hazardous waste and related activities. For instance, by means of the 109-count indictment against Noble Oil and others, the Division has focused national attention on the extent of the problem of blending hazardous wastes with fuel oil and its potential for disastrous environmental and health ramifications. Since the return of this indictment, Division personnel have made a concerted effort to share their insights and experiences with representatives of numerous national and state enforcement and regulatory agencies.

Antitrust investigations, which involve unreasonable restraints of trade, safeguard consumers, public agencies and private businesses from anti-competitive practices such as price-fixing and bid-rigging. Also of significant importance are

the Division's activities with respect to crimes against publicly-funded programs, including medicaid and unemployment fraud, as well as frauds against businesses. The elderly and poor suffer most from the damaging aspects of medicaid fraud, whether committed by health care providers or by neglect and abuse suffered in medicaid-funded facilities. The effect of these instances of fraud, white collar crime and antitrust violations are passed on to New Jersey residents through increased retail prices and rates.

As a result of unemployment fraud prosecutions conducted by the Division during 1984, the state recovered over \$5 million dollars in court ordered restitution. Moreover, the Division's Tax Evasion Unit prosecuted cases involving \$1.5 million in outstanding New Jersey tax liabilities and, during the latter part of the year, the Division, through its Major Fraud Section, joined the nationwide effort to recoup over \$40 million in outstanding student loans.

Projects conducted by the Division which impact the public through criminal justice system improvements include victim/witness assistance, research and training activities, and participation on various commissions and committees dealing with criminal justice issues. This past year, several legislative proposals were drafted addressing victim/witness concerns such as mandatory restitution, authority to withhold inmate wages for payment of restitution, victim impact statements, mandatory minimum victim/witness services, victim rights, and establishment of a subsidy program to partially fund victim/witness services in county prosecutors' offices. In addition, the Division participated in the working group to develop statewide guidelines to insure that survivors of victims of homicides and sudden deaths are afforded proper assistance by law enforcement personnel, the Working Group on the Enforcement of the Prevention of Domestic Violence Act and the Governor's Task Force on Child Abuse and Neglect.

Automation

As a result of several years of planning, in 1984 the Division of Criminal Justice expanded its use of automation. At every level of management, a goal was established to incorporate and utilize automated techniques to assist in daily operations and functions.

The requirements were many. Investigators require large volume data analysis capabilities for complex cases. Deputy attorneys general need litigation support. Managers need the ability to easily develop small record keeping systems, clerical staff require word processing capabilities and upper management require the ability to quickly monitor the entire Division's caseload. To meet these diverse needs, a plan encompassing several major functional areas was instituted.

Case Tracking

To provide automated capabilities to all levels of management to monitor the activity and status of all Division cases, a division-wide case tracking and management system was designed.

Word Processing

To reduce both the amount of paper and clerical time required for generation, the Division installed two new IBM word processing systems in addition to the existing system.

PROMIS/GAVEL

To speed up the process of automating county prosecutors' offices and trial courts throughout the state, the Division, in cooperation with the Administrative Office of the Courts, developed a two-year implementation strategy which radically changed the method of installing the PROMIS/GAVEL systems. As a result, during 1984 installation was begun in Atlantic, Cape May, Cumberland, Hudson, Passaic,



DCJ Automation

and Union Counties, while at the same time implementation of the highest volume county in the state, Essex, was both started and completed.

Personal Computers (PCs)

Personal computers and standardized software packages are being made available throughout the Division to meet specific needs for file and report generation and statistical analysis. Personal computers were used to automate the Division's evidence system, the Northeast Hazardous Waste Project files, and data from several major investigations. In addition, the PCs are used as networking devices to access the word processors, the PROMIS/GAVEL 8100, as well as other state computers such as required by the Environmental Prosecutions Section which utilizes information from outside computer centers.

System Coordination and Policy Initiatives

The unique nature of New Jersey's law enforcement system enables the state, through the Division of Criminal Justice, to require at all levels of government uniformity in the enforcement of criminal law and in the administration of criminal justice. This responsibility for coordination of the criminal justice system manifests itself in various ways.

The state's 21 county prosecutors, the chief law enforcement officers of their respective counties, are subject to the general supervision of the Attorney General. The Division's Prosecutors Supervisory Section acts as the primary liaison between the prosecutors and the Attorney General and reviews all complaints made against prosecutors and their staffs. The Division's 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.

Other examples of the Division's responsibilities for system coordination include:

- Centralization of all criminal appeals filed in the state.
- Uniform curriculum, teacher certification and school accreditation for all police recruits in the state through the Police Training Commission.

Prosecutors Annual Report 1983 Summary Findings

The Prosecutors Annual Reporting System implemented for use in 1982 provides a comprehensive and reliable reporting format to gather information concerning statewide prosecution activities. In 1983, summary analyses were possible based on data submitted by a majority of the 21 counties.

Prosecutorial Screening of Defendants

- Statewide, of the 59,583 defendants reviewed by 17 counties, 47% were screened out and 53% were referred for grand jury action.

Grand Jury

- Statewide, of the 39,174 defendants completing grand jury in 20 counties, 82% were indicted, 10% were no billed and remanded to municipal court and 9% were no billed with no further action taken.
- Indictment rates in individual counties ranged considerably, from 69% to 97%.

Defendants with Indictments/Accusations Disposed

- Statewide, of the total 22,513 defendants reaching final disposition in the 18 reporting counties, about two-thirds (68%) were disposed by guilty plea, 7% were disposed through trial, 14% were accepted into diversionary programs, and 11% were disposed through dismissal of charges.
- Of those defendants with indictments/accusations disposed, about three-fourths (73%) were convicted (68% through guilty plea and 5% through trial).
- Statewide, of those defendants convicted (by either plea or trial) more than four out of every five (83%) were convicted of the most serious offense charged.

- Formal and informal legal opinions to law enforcement agencies throughout the state concerning questions of criminal law and procedure.
- Provision of basic and advanced training courses to county investigators, detectives and assistant prosecutors.
- Publication of 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.
- Supervision over the qualifications, training and procedures of all county medical examiners through the State Medical Examiner.
- Operation of the PROMIS/GAVEL Project, a computerized case management and case tracking system eventually to be installed in all 21 county prosecutors' offices.
- Development of statewide strip search guidelines and dissemination to local police departments.

The Division's investigative sections contribute heavily to system coordination by providing technical assistance and training in areas such as electronic surveillance, toxic waste investigations and the like. The Division's Administrative Section oversees confidential fund accounts of the prosecutors and conducts various financial analyses and audits. The Division's legislative liaison coordinates the position of the law enforcement community on new bills introduced in the State Legislature.

Another key area of system coordination is the Division's participation on various statewide boards and commissions which deal with areas of the criminal law. These include the Commission to Deter Criminal Activity, the Statewide Speedy Trial Coordinating Committee, the Criminal Disposition Commission, Supreme Court Criminal Practice, Evidence and Model Jury Charges Committees, the Insanity Defense Study Commission and the Crime Prevention Advisory Council.

The Division has also been serving a leadership role in the area of victim/witness assistance. In a related area in 1984, the Attorney General issued a statewide directive requiring that law enforcement agencies investigate missing children cases as soon as reported, rather than waiting for 24 or 48 hours as had been the practice.

Proper coordination of the criminal justice system requires a readiness and ability to respond to current developments by the implementation and promulgation of new policies. In 1984, examples of new policy initiatives abounded.

In addition to the directive concerning missing children, the Attorney General also issued a policy statement strongly discouraging undercover operations wherein law enforcement officials pose as members of the news media to gather information. The Division, in cooperation with the Chiefs of Police Association, undertook development of a standardized systems manual for use by police departments throughout the state.

Additionally, development of uniform policies and procedures for cases involving forfeited property and contraband was begun and the Division undertook to assign deputy attorneys general to various State Police barracks throughout the state in an effort to enhance investigative effectiveness and provide on the scene legal assistance when needed.



**Victim/Witness Assistance
Coordination Project**

Organization

The responsibilities, functions and activities of the Division are conducted through a staff consisting 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 of the Division of Criminal Justice are the Investigations Bureau, Economic Crime Bureau, Operations Bureau, and Administration Bureau. In general, the bureaus exercise separate but complementary functions integral to the overall operation and success of the Division.

The Investigations Bureau is responsible for criminal investigations and prosecutions in the areas of organized crime, corruption, gaming-related matters, illegal disposal of hazardous waste, economic crime and fraud.

The Economic Crime Bureau is responsible for medicaid fraud, waste and abuse within state programs, violations of the state antitrust laws, state tax violations and the ongoing investigation of the solid waste industry.

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 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.

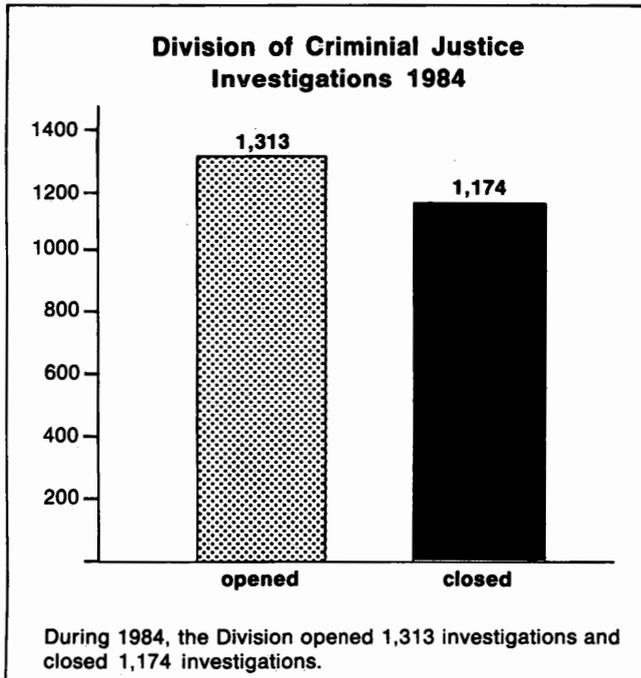
- **Administrative Section.** The Administrative Section supervises all Division fiscal matters, budget preparations, personnel, vehicle coordination, property control, communications, and operation of the Division's word processing system, as well as conducting audits of the county prosecutors' offices.
- **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 antitrust enforcement activities and prosecutions within the state.
- **Solid Waste Unit.** The primary responsibility of this unit is 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, provision of legal advice to state agencies and the statewide prosecutorial community, and preparation of legislative initiatives. The section appears in criminal matters before the Third Circuit Court of Appeals and the State Supreme Court, often files *amicus* briefs and appears 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, established in 1984, is responsible to bring to the attention of the public the mandatory sentencing provisions of the New Jersey criminal code.
- **Environmental Prosecutions Section.** The primary responsibility of this section is the investigation of fraudulent schemes within the hazardous waste industry, illegal operation of hazardous waste facilities, and illegal storage or disposal of hazardous waste.
- **Information and Records Management Section.** The Information and Records Management Section is responsible for maintaining the Division's computerized case tracking system as well as evidence from criminal case investigations. In addition, the section processes citizen complaints and conducts background investigations concerning new employees for the Division of Criminal Justice, Division of Law and county prosecutors' offices.

- **Criminal Information Unit.** This unit, newly formed in 1984, serves as a criminal information archive for all Division cases. In addition, criminal history, corporation financial and other resource information is accessed through computer interfaces.
- **Legislative Liaison 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.
- **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.
- **Program Integrity Section.** The Program Integrity Section investigates fraudulent misapplications of public funds in government programs. This section, although primarily concerned with the investigation of criminal conduct, 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 created the atmosphere for 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 and 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 Prosecutions Section.** The Special Prosecutions Section investigates and prosecutes major criminal offenses having statewide significance with particular emphasis on those cases dealing with organized crime or official corruption and coordinates State Police investigations utilizing electronic surveillance.
- **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 Unit.** This unit operates the State Grand Jury, the investigative arm of the courts within the criminal justice system.
- **Tax Fraud Unit.** The Tax Fraud Unit, working with the Division of Taxation, investigates and prosecutes tax fraud cases 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.

Investigations and Prosecutions

One of the most important functions of the Division of Criminal Justice is to investigate and prosecute violations of the state's criminal laws. Traditionally, the Division has focused on areas of criminal activity that either implicate statewide concerns or which require sophisticated and complex enforcement strategies that go beyond the resources of the various county prosecutors.

With a statutory mandate to obtain "effective and uniform enforcement of the criminal laws throughout the State," the Division has established various sections and units designed to do just that. Thus, Anti-



Division of Criminal Justice Investigations Work Volume 1984

Section/Unit	Investigations	
	Opened	Closed
Antitrust, Solid Waste	213	228
Casino Prosecutions	249	260
Environmental Prosecutions	191	201
Major Fraud	91	83
Medicaid Fraud	111	92
Program Integrity	8	7
Tax Evasion	24	10
Unemployment Fraud	12	4
Special Prosecutions	222	217
State Grand Jury Litigation	192	72
DIVISION TOTAL	1,313	1,174

trust, Casino Prosecutions, Environmental Prosecutions, Major Fraud, Medicaid Fraud, Tax Evasion, Solid Waste and Unemployment Fraud demonstrate the varied areas in which Division investigative resources are concentrated. The Program Integrity Section investigates fraudulent misapplications of public funds in government programs. Additionally, in close cooperation with the State Police, the Special Prosecutions Section concentrates on significant statewide cases involving organized crime and official corruption.

During 1984, the Division opened a total of 1,313 investigations and closed 1,174. Most Division cases are channeled through the State Grand Jury. In 1984, 339 defendants were named in 98 state grand jury indictments or accusations. The Division investigative sections also make use of the various county grand juries, formally charging 226 defendants in another 199 indictments or accusations.

During 1984, 30 state grand juries convened for a total of 332 grand jury sessions, increases over 1983 figures of 7 and 104 respectively. Once indictments are returned, cases are referred to the State Grand Jury Litigation Section for trial. This section, established in 1983, has centralized state grand jury trial activity and has increased efficiency and effectiveness.

In 1984, the Division of Criminal Justice committed significant resources to the acquisition of computer systems to enhance its investigative effectiveness. For example, computer targeting of pharmacies and transportation providers led the Medicaid Fraud Section to increase its conviction rate. The Unemployment Fraud Unit, in cooperation with the Department of Labor, participated in a computer cross match program which helped to lead to 474 convictions in 1984, more than three and one-half times the convictions obtained in 1983.

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 apparent or actual conflicts of interest. County supersession matters, referred from any of the 21 county prosecutor's offices, are primarily the responsibility of the Trial Section. During 1984, 108 cases, both pre-indictment and post-indictment, were received and accepted for supersession from 18 of the 21 counties. In addition to indictments returned by the Division's investigative sections, the Trial Section obtained 27 indictments/accusations charging 42 defendants in supersession matters.

County Supersession Cases Closed during 1984 by Offense Category

Offense Category	Number Closed
Drug Violations	25
Assault	19
Theft	17
Burglary	12
Robbery	6
Murder/Manslaughter	5
Rape/Sex Offenses	5
Forgery/Fraud	4
Misconduct	3
Weapons	3
Child Abuse	2
Other	36
TOTAL	137

**Division of Criminal Justice
1984 Grand Jury Activities**

	Total	Number of Defendants
State Grand Jury Activity		
Indictments	94	335
Accusations	4	4
County Grand Jury Activity		
Indictments	162	199
Accusations	64	69
TOTAL Grand Jury Activity	324	607

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

Supersession Cases Opened during 1984 by Originating County



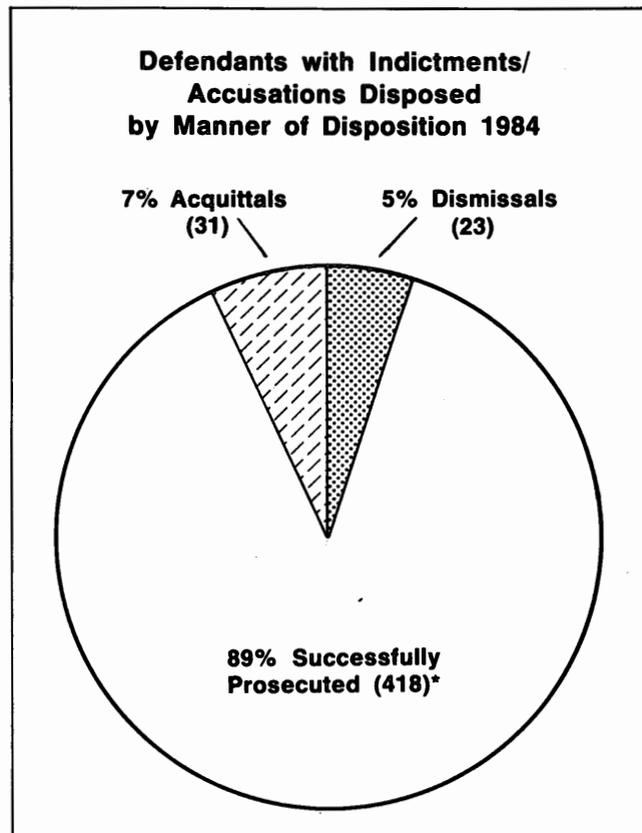
During 1984, as a result of Division prosecution activities, 472 defendants charged by indictment or accusation reached final disposition. Of those defendants whose cases were disposed, 89% were successfully prosecuted.* In addition, 490 defendants charged by complaint reached final disposition, of which 99% were convicted.

In addition to criminal prosecution, the Division of Criminal Justice participates in civil litigation, including forfeiture actions, antitrust litigation, as well as other civil proceedings. Application of available civil remedies and sanctions provides law enforcement authorities with the additionally needed tools to fight criminal activities and protect the public. Other types of civil proceedings and sanctions, including suspension or loss of professional licensure or public office, are initiated against criminal offenders as a result of Division prosecution activities and recommendations.

Forfeiture statutes authorize the forfeiture of property which, because of its connections with criminal activity, is considered contraband. Such statutes are based on the principles of constitutional law that no owner of property has a vested right to use or to allow the use of such property for purposes injurious to the public.

The state racketeering statute, used in targeting racketeering influenced corruption operations (RICO), contains civil as well as criminal sanctions. Specifically, the statute is designed to fight the infiltration of legitimate businesses by organized criminal elements. The law prohibits the use of "strong arm" methods to force the investment of organized crime or racketeer funds in legitimate businesses. Among the civil remedies provided by the statute are: divestiture of interest, corporation dissolution or reorganization, and loss of charter or license to do business in the state.

The Division frequently utilizes civil remedies in antitrust enforcement. They are used both in conjunction with criminal remedies and alone, depending upon the facts and nature of the case and proofs available. Fines and penalties imposed, as well as settlement awards arrived at as a result of civil



proceedings in matters involving antitrust violations, generate revenue to restore damages suffered by the state, its political 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 of Criminal Justice, as a result of its prosecution efforts and activities, generates substantial fines and other types of recoveries for the state. In 1984, over \$12.9 million were assessed through fines, penalties and antitrust settlement 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.

*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.



**State Grand Jury
Litigation Activities**

sey law enforcement officers and the Guarantee Bank of New Jersey, with defrauding over 2,000 investors of more than \$1.4 million. Each investor paid \$650 to the defendants on the representation that they would receive \$35,000. Instead, the money went to the defendants, some of whom fled the state.

- **State v. Scozzari, et al.** The defendants, including Scozzari Construction Company and Scozzari Management Company, were charged in a 54-count indictment with tampering with public records, state income tax evasion, keeping false and fraudulent books, filing false and fraudulent reports and false swearing.
- **State v. Cerami, et al.** This state grand jury indictment charges the defendants, Cerami, Cerami Construction Company, and Louise C., Inc., with tampering with public records, falsifying records and evasion of approximately \$1 million dollars in tax liability. The tax case was uncovered through an investigation of a bribe attempt by one defendant regarding the building of the Hughes Justice Complex.
- **State v. East Coast Pollution Control, Inc., Noble Oil Company, et al.** This 109-count indictment charged five corporations and various corporate officers and employees with numerous hazardous waste violations stemming from an alleged scheme to unlawfully mix hazardous waste with heating oil subsequently sold to public consumers. The indictment dealt with a three year conspiracy involving chemical wastes generated by companies within New Jersey and four other states.
- **State v. Durr, et al.** Thirty defendants were charged in a series of six state grand jury indictments with conspiracy to manufacture and sell methamphetamine and other controlled dangerous substances. The investigation and subsequent indictments disrupted a large-scale drug manufacturing and distribution network operating within New Jersey.
- **State v. Comarata, et al.** Six defendants were charged with theft by deception, state income tax evasion, falsification of business records and operating a detective business without a license. Charges stemmed from double billing the City of Newark in the amount of \$52,000 for the cleaning of a city owned building. In addition, Zenith Maintenance and its owners, Comaratas, were charged with defrauding the City of Newark of \$69,000 by creating a fictitious detective agency to win a city security and maintenance contract.

Significant Division Cases

- **State v. Superior Auto Body, et al.** Seven defendants, five individuals and two corporations, were indicted on charges of defrauding nine insurance companies of \$252,000. The 51-count indictment charged the owner and employees of two auto body shops and a former insurance company adjuster with submitting false accident, theft and appraisal reports, as well as registering vehicles under fictitious names.
- **State v. LaVecchia.** The defendant, LaVecchia, was indicted for tax evasion involving income in excess of \$400,000 and failure to file state income tax returns over a period of five years (1978-1982).
- **State v. Sanders, et. al.** This state grand jury indictment charges 14 defendants, including three New Jer-

- **State v. Pontani, et al.** Ten defendants were indicted in a multi-state gambling operation which handled hundreds of millions of dollars each year. The illegal gambling operation encompassed New Jersey, Michigan, Rhode Island, New York and Massachusetts.
- **State v. Ficca, et al.** Several employees of Shulton Industries, Inc. and co-defendants were charged in two state grand jury indictments with conspiracy, theft by unlawful taking and receiving stolen property. Charges emanated from a conspiracy to steal perfume valued at one-half million dollars from the Shulton Industries plant in Mays Landing.
- **State v. Corbo, et al.** This 89-count indictment charged eleven individuals and three corporations with illegally obtaining \$1.6 million from the Boardwalk Regency Casino in Atlantic City. The indictment alleges that a network of unlicensed junket representatives used the Atlantic Tour and Transit Company of Atlantic City to bring high rolling gamblers into the casino.
- **State v. Adams, Jr., et al.** This 17-count state grand jury indictment charges 12 Trenton State Prison corrections officers in conjunction with beating 15 inmates during a transfer from one facility to another, and an attempt to inhibit an official investigation of those beatings. Indictment charges include conspiracy, official misconduct, filing false reports, tampering with public records and tampering with or fabricating physical evidence.
- **State v. Leone, et al.** The state grand jury returned a 24-count indictment charging three Waterford Township police officers, including the chief of police and a lieutenant, with official misconduct, burglary, theft and tampering with evidence. Indictment charges stemmed from activities to frame the former chief of police with criminal charges to force him out of office. As a result of that illegal conduct, one of the defendants was able to rise to the rank of police chief. The former police chief, who was wrongfully convicted, has had his conviction vacated and has been restored to his former position as police chief.
- **State v. Atlantic City Produce.** In September 1984, the state grand jury returned a superseding indictment in the Atlantic City hot dog case. Sixteen defendants are charged in this indictment which alleges organized crime infiltration into both the hot dog and produce businesses. The indictment charges defendants with racketeering (RICO) violations and conspiracy, theft by extortion, criminal mischief, commercial bribery, terroristic threats and aggravated assault.
- **State v. Chan, et al.** In October 1984, the state grand jury indicted three defendants involved in a blackjack cheating scam at the Sands and Caesars casinos. Two defendants were players and the third was a dealer.
- **State v. Lums Custom Builders.** This 20-count state grand jury indictment charges eleven defendants, both individuals and corporations, with antitrust violations, bid-rigging, theft by deception and official misconduct. One of the defendants was the principal administrator of the state weatherization program within the Department of Community Affairs. A companion civil case was filed against the same individuals and corporations indicted. That suit seeks treble damages for the injuries suffered by the state as a result of the conspiracy.
- **State v. Angelo Miele & Sons, Inc., et al.** This state grand jury indictment charges three solid waste companies, company executives and one public official with conspiracy, restraint of trade, violation of antitrust laws and official misconduct.
- **State v. Arace Bros., et al.** This civil complaint charges 38 solid waste collection companies, 63 individuals, Teamsters Local 945, and the Municipal Contractors Association with antitrust violations. The complaint alleges that the defendants and other co-conspirators engaged in a conspiracy and restraint of trade activities in 12 counties in the north and central Jersey area for a period of over 20 years. The suit seeks treble damages on behalf of the state as well as each of the municipalities affected by the conspiracy.
- **State v. Altenbury and Altenbury Piano House.** This state grand jury indictment charges the defendants with a tax liability of \$116,000.
- **State v. Williams, Williams, Williams and Seabrook.** After the Appellate Division reversed the felony murder convictions of defendants John, Leonard and Jackie Williams and Seabrook obtained by the Cumberland County Prosecutor's Office for the 1977 shooting of a gas station attendant, the matter was referred for supersession. Because of additional evidence, the case was re-presented to a grand jury and a superseding indictment was returned charging the original four defendants with murder.
- **State v. DeSantis.** The defendant, former owner and president of the Coast to Coast Insurance Company and a licensed insurance agent, pled guilty to defrauding a bank and two insurance companies of \$481,000. The defendant, using a complex premium financing arrangement with the bank, obtained loans on non-

Monies Assessed as a Result of Division Prosecution Activities

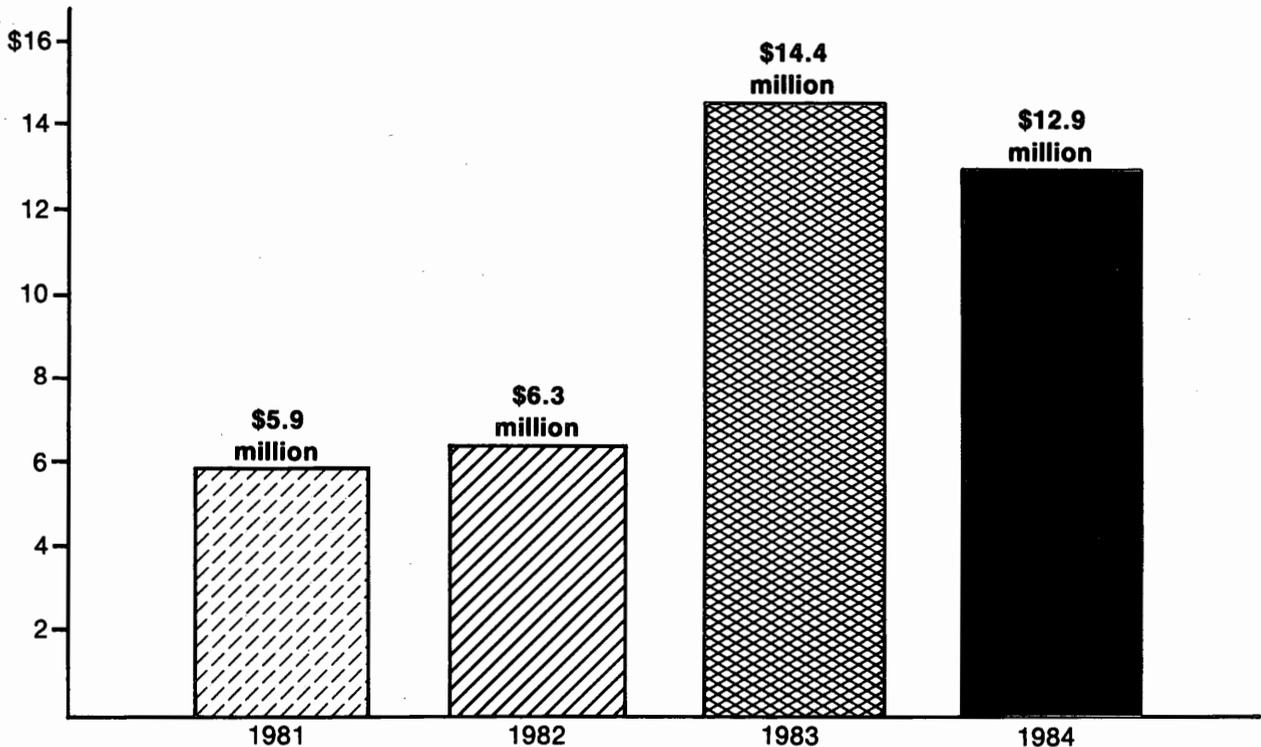
As a result of Division of Criminal Justice prosecution efforts statewide, over \$12.9 million were assessed against defendants during 1984. Each year the Division generates substantial recoveries for the state through criminal and civil fines, penalties and antitrust awards. Monies recovered during the two-year period, 1983-1984, more than doubled the amount recovered during the two preceding years, 1981-1982.

Of the total \$12.9 million assessed this past year, \$6.8 million represent criminal fines, restitution and violent crimes compensation penalties and \$6.1 million represent civil fines and penalties, judgments and antitrust settlements.

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. Such assessments reflect the state's vigorous efforts to eliminate profit from illegal activity and restore monetary losses and damages suffered by New Jersey citizens.

Monies Assessed as a Result of Division Prosecution Activities 1981-84

millions



Monies assessed as a result of Division prosecution activities during the past two years (1983 and 1984) were more than two times the amount assessed in the two preceding years (1981 and 1982).

existent commercial insurance policies. In addition, the defendant misappropriated premiums paid to the insurance company by policy holders.

- **State v. Schlanger, et al.** Several defendants, including two attorneys, three doctors and two insurance adjusters, pled guilty to defrauding 15 insurance companies of more than \$1 million. The remaining defendants charged in this 55-count state grand jury indictment are pending disposition.
- **State v. Chaiken and Allcare, Inc.** Defendants' guilty pleas to medicaid fraud represent the first such convictions against an ambulance service and its president. The indictment charged the defendants with billing the medicaid program for transportation services not provided, as well as billing group trips at the higher single-person rate. The sentence disposition included a \$20,000 fine against the defendants.
- **State v. Van Druten and Quality Coach, Inc.** The defendants, a transportation company and its corporate president, pled guilty to medicaid fraud charges stemming from transporting more than one passenger but charging higher single-person rates.
- **State v. Eugene Mulvihill, Vernon Valley Recreation Association (VVRA), et al.** Upon completion of a ten month investigation, a state grand jury returned a 110-count indictment charging VVRA and its chief executive officer, Mulvihill, with conspiracy, theft, tampering with public records and various other crimes. On November 9, 1984, VVRA pled guilty to the charge of conspiracy to defraud the State of New Jersey, as well as five counts of theft by deception. Vernon Valley was fined \$250,000 and ordered to pay the state \$270,000 restitution. Eugene Mulvihill pled guilty to using a corporation to promote a criminal object and various counts of falsifying and tampering with records, was fined \$45,000 and was placed on probation for three years.
- **State v. Paterson.** The defendant, president of Industrial Liquid Chemical, pled guilty to abandonment of hazardous waste and was sentenced to a five year state prison term.
- **State v. Bontempo and Braidburn Country Club.** The defendants were charged with and pled guilty to tax violations involving state sales tax and withholding tax liabilities of approximately \$144,000.
- **State v. Kilbride, et al.** All 21 defendants, including two Jersey City policemen, were convicted by either plea or trial of charges involving the theft of millions of dollars in materials from Conrail. The state grand jury indictment in this matter charged defendants with official misconduct, conspiracy, theft, receiving stolen property and criminal usury.
- **State v. Rinaldi, et al.** Twenty-three defendants were charged in six state grand jury indictments with various drug-related violations including the manufacture of over 60 pounds of methamphetamine. The overall drug network was estimated as being a \$57 million a year operation. Several defendants pled guilty, including a former Camden County assistant prosecutor, who pled guilty to the manufacture of methamphetamine and was sentenced to a four year prison term. The remaining defendants are awaiting trial.
- **State v. LaBruno and Fornino.** The defendant, Fornino, was found guilty at trial of attempted murder and attempted escape involving Rahway State Prison inmate Michael LaBruno, Jr. Fornino was hired by LaBruno, Jr. to kill two state prison guards as LaBruno was being transported on a medical visit. LaBruno entered a guilty plea to conspiracy charges and was sentenced to a ten year prison term, consecutive to a double life term he is presently serving. Fornino was sentenced to a 20 year term, with a nine year period of parole ineligibility.
- **State v. Bertrero and Thomas Concrete, Inc.** The corporation and president indicted on charges of failing to remit unemployment insurance contributions pled guilty and were sentenced. Restitution and fines were imposed in the amount of \$137,049.77.
- **State v. Graf Graphics, Inc., L.C. Graphic, Inc. and Wm. Miller.** The defendants, two corporations and one individual, pled guilty and were sentenced on six counts of failing to remit unemployment insurance contributions. Restitution and fines in the amount of \$101,907.91 were imposed against the defendants.
- **State v. Pacilio.** In May 1984, alleged organized crime figure Anthony Pacilio was convicted by jury trial of conspiracy to engage in loansharking. He was sentenced to a seven year prison term and fined \$2,000. Co-defendant, John DiGilio, had been found guilty of the same charges in June 1981, but on appeal the conviction was overturned and a retrial was ordered.
- **State v. Gould and Page.** This county supersession matter involves the murder of defendant Betty Gould's husband. Gould pled guilty to aggravated manslaughter, conspiracy, forgery, theft and hindering prosecution. Page was convicted at trial. Both defendants are awaiting sentence.

Legislative Services

The Legislative Liaison Unit, working with the Office of the Attorney General, the Legislature and the Governor's Office, prepares legislative initiatives and proposals, conducts legislative analyses and provides comments on legislation to benefit statewide law enforcement and criminal justice.

During 1984, the Division successfully sought the enactment of legislation which will make it a crime to gain unauthorized access into a computer or databank. In a companion bill, victims of computer-related thefts can now seek civil damages for unauthorized use of a computer system.

Another significant project undertaken was a bill authorizing the use of videotapes or closed circuit television for minor children in child abuse cases if there is a substantial likelihood that the child would suffer severe emotional or mental distress if required to testify in open court.

Other legislative projects include: a comprehensive package of bills concerning the rights of crime victims; amendments to the capital punishment law; a bill pertaining to the forfeiture of public offices held by those who are convicted of a crime; and proposed legislation governing the selection, training and use of special police officers.

Aside from other legislative responsibilities, the unit provides legal advice regarding legislation to county prosecutors' offices, state and public agencies, and provides staff assistance to the County Prosecutors Association.



Appellate Litigation Activities

Appellate Litigation

The Appellate Section has statewide responsibility for the prosecution of criminal appeals. This section's deputies handle matters before the State Supreme Court, Appellate Division and Trial Courts, as well as the Third Circuit Court of Appeals, Federal District Court and the United States Supreme Court.

This past year, 2,399 appeals were received. To cope with an expanded designated counsel program, a referral program was instituted. Upon screening, 524 appeals (approximately 25%) were referred to county prosecutors' offices for disposition. Moreover, 1,487 briefs were filed by the Appellate Section and 1,433 appeals were disposed.

During 1984, the Appellate Section participated in a pilot program to expedite the handling of the excessive number of sentence appeals. Cases in which the defendant pled guilty were assigned for disposition on oral argument without briefing. This program has permitted the defense bar to concentrate resources on more complex cases and make substantial inroads on the criminal appeals backlog.

Examples of criminal appeals with statewide significance follow.

- **New Jersey v. T.L.O.** The U.S. Supreme Court granted the state's petition for certiorari and conducted reargument of this matter on the applicability of the Fourth Amendment to searches of students conducted by school officials and so held that they were legal.

Also, of particular significance were those cases dealing with the imposition of the death penalty. Appellate deputies were responsible for coordinating the implementation of the capital punishment statute and, in addition to participating in such litigation, have commented upon and testified before the legislature concerning proposed amendments to the statute.

- **State v. Bey, State v. Biegenwald, State v. McCrary.** This past year the State Supreme Court rendered preliminary decisions in these cases, ruling that trial courts have the authority to summarily review the sufficiency of aggravated factors alleged by the prosecution in support of the death penalty and that murder convictions on appeal cannot be used as an aggravating factor.
- **State v. Koedatich.** In a preliminary ruling, the Supreme Court agreed that the defendant's appeal be considered despite wishes to go forward with an immediate execution. This office argued that the defendant should not be executed until the Supreme Court had determined the constitutionality of the death penalty scheme in any case.
- **Romano v. Kimmelman.** In this appellate case, the state obtained a ruling from the Supreme Court upholding the reliability of the breathalyzer in drunk driving prosecutions.
- In **State v. Gerardo, Sica, Montemarano, DeVingo,** the State Supreme Court declined to review the Ap-

pellate Division's decision confirming conspiracy in gambling convictions against a high level organized crime leader and associates.

- In **State v. Roth and Hodge,** the Supreme Court upheld the innovative sentencing scheme of the New Jersey criminal code which permits the state to appeal when the sentencing court imposes a custodial or probationary sentence below the presumptive, determinant sentence specified for the offense. The court emphasized that the code sentencing provisions are "offense oriented," focusing on the gravity of the offense rather than rehabilitation of the offender.
- **State v. Considine.** The Appellate Division, on the state's appeal, remanded this matter for resentencing following the imposition of a third degree sentence for the conviction of a police officer on a second degree crime.
- In **State v. Phelps,** the Supreme Court established the standards for the admission of co-conspirator hearsay statements made in furtherance of the offense.
- In **State v. Rockholt,** the Supreme Court also issued a significant ruling. The entrapment defense, as defined in the penal code, limits the defense to an accused who can affirmatively demonstrate improper police conduct and who is not predisposed to commit the offense. As a result, New Jersey has adopted a hybrid entrapment defense with subjective and objective elements.
- In **State v. Dyal,** the Supreme Court permitted the state to obtain a judicially authorized subpoena for hospital records showing the results of blood alcohol analysis obtained from medical treatment, significantly narrowing the scope of the patient/physician privilege if there is a reasonable basis to believe that the driver of a vehicle involved in an accident was intoxicated.
- In **State v. Conway,** the Supreme Court declined to review the conviction of the former bar association president convicted of attempted bribery to fix a criminal prosecution.
- In **State v. White,** the state obtained a ruling from the Supreme Court that an accomplice found guilty of an armed Graves Act offense is subject to the mandatory sentencing scheme of that act. If the accomplice is convicted of an unarmed offense and if he knew or had reason to know that his cohort would be in possession of a firearm in the course of the crime, then he is subject to sentencing under the Graves Act.

Administrative Functions/ Records Management

The administration and management of Division operations depend upon the support functions performed by two sections, the Administrative Section and the Information and Records Management Section.

The Administrative Section not only provides a support function to other bureaus, units and sections within the Division, but also provides management and technical assistance services to county prosecutors' offices, including overseeing confidential funds at the county level, conducting audits and assisting in budget development. The section also has administrative responsibility for the Police Training Commission and the Office of the State Medical Examiner.

The Administrative Section supervises fiscal matters, budget preparation, personnel functions and general support services, including vehicle coordination, space coordination, property control and communications, as well as the newly-installed word processing system.

Fiscal responsibilities include implementation of the \$9.7 million budget for fiscal year 1985 and preparation of the \$11.1 million budget for fiscal year 1986, as well as administration of the Police Training Commission funds (\$401,000) and the Office of the State Medical Examiner budget (\$1,494,000). These figures are augmented by \$2.4 million in grant funds from the State Law Enforcement Planning Agency, the United States Department of Health and Human Services, U.S. Environmental Protection Agency, New Jersey Department of Environmental Protection and the Office of Highway Safety. In addition, the section supervises the antitrust revolving fund in the amount of approximately \$1.4 million per year, the State Grand Jury budget and reimbursements from

the Department of Labor and Industry to cover costs of 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. This automated record system produces lists of pending cases and case status information for the various sections within the Division of Criminal Justice. During 1984, 2,982 new cases were processed. In conjunction with this centralized record system, this section will be the focal point for the Division's soon to be implemented computerized case tracking system.

Moreover, in 1984, the section reviewed 1,186 complaints of a criminal nature addressed to the Governor, Attorney General, and other state agencies. As the Attorney General's representative in such matters, this section's investigators deal with people who on many occasions have run out of options in expressing their concerns or resolving personal dilemmas and have contacted the Division as a last resort. Section investigators also serve as the initial contact point for individuals who proffer sound facts upon which many important Division cases are founded.



Computerized Evidence Control System

Other major administrative functions of the Information and Records Management Section include operation of the newly-established Criminal Information Unit, issuance of Division investigative equipment, coordination of records retention and destruction and microfilming, provision of indictment and conviction notification to concerned licensing and regulatory agencies, and maintenance and control of evidence obtained during criminal investigations. The section also conducts employee background investigations for this Division, the Division of Law, and county prosecutors' offices. During 1984, the section conducted 483 background investigations, an increase of 74 over 1983.



DCJ Evidence Vault

Research

Research activities conducted by the Division benefit statewide enforcement of the criminal law and administration of criminal justice, as well as internal Division operations. Overall, the Research and Evaluation Section assumes major responsibility for research activities within the Division. During 1984, research projects concentrated on juvenile drug and alcohol use, capital punishment issues, state electronic surveillance activities, statewide prosecution activities, juvenile waivers to adult court and hazardous waste crime analysis. Moreover, legal and procedural issues, such as the use and application of capital punishment statutes and insanity defense reforms, constitute major areas of research addressed by the Division, in specific, the Appellate Section and legislative liaison.

The drug and alcohol study is an extensive research effort to determine the extent of illicit drug and alcohol use and factors contributing to use, as well as to ascertain effective means of dealing with the drug and alcohol problem of New Jersey youth. The resulting report provides a current, comprehensive body of knowledge concerning substance abuse among the state's high school students and is nationally recognized as a definitive work in this area.

As a result of enactment of New Jersey's death penalty statute, the Division has been extensively participating in activities involving the implementation and application of the legislation and appellate concerns. Moreover, the Research and Evaluation Section has been providing assistance to county prosecutors' offices in the area of expert testimony in capital cases. In addition, the section has been instrumental in planning for the development of a data base to analyze the application of the statute and determine proportionality in the use of capital punishment.

The case disposition study and prosecutors annual reporting system are being used to gather meaningful information concerning prosecution efforts and activities within the Division and within county prosecutors' offices statewide. Further, a report examining the use of court-ordered electronic surveillance in New Jersey, not only describes the results of electronic surveillance investigations in terms of defendant indictments and dispositions, but also depicts the responsible manner in which electronic surveillance is utilized in this state.



**Criminal Justice Research
and Analytic Activities**

“Drug and Alcohol Use Among New Jersey High School Students, 1984”

The report, “Drug and Alcohol Use Among New Jersey High School Students, 1984,” documents the results of a large-scale research effort to gather data relative to the extent of juvenile drug and alcohol abuse. Narrative highlights are provided along with tables of detailed statistical data and comparisons between the findings of this study and the findings of the earlier (1980) similar survey.

The statistical analysis of survey data indicates that:

- The past three years have witnessed an appreciable decline in the use of marijuana.
- Little overall change is evident in the number of students reporting illicit drug use at some time in their lives.
- There has been an increase in the number of students reporting use of amphetamines and sniffing glue at some time in their lives.
- Moderate but general decreases are observed in the use of hallucinogens, barbituates, and tranquilizers, particularly regarding use in the past year or past month.
- There has been a significant decrease in the number of regular users (10 or more occasions in the past month) of marijuana and alcohol. Regular use of other substances, although infrequent, has remained unchanged.
- A clear majority of the students surveyed report that fear of physical harm, trouble with the law, and parental disapproval would prevent them from using marijuana or other drugs.
- In the 1983 survey, as compared to the 1980 survey, substantially more students believe that regular use of marijuana entails a high risk of physical harm.
- Two-thirds of the students report that the chance of being stopped by the police would strongly influence their decision to drive after drinking too much.

Training

Recognizing that the dynamic nature of the criminal justice system results in frequent and substantial changes, the Division, in conjunction with the state law enforcement and criminal justice community, provides training to enhance the overall efficiency and effectiveness of the criminal justice system in New Jersey. The design and implementation of training programs is chiefly the responsibility of the Training Section with input and support from the entire Division, the county prosecutors and local law enforcement agencies.

During 1984, the Training Section's major training activities included:

- A basic assistant prosecutors course for new deputy attorneys general and county assistant prosecutors.
- A series of six forensic science seminars for assistant prosecutors and county detectives and investigators.
- An in-service course for state investigators covering topics such as arrest law and procedure, rules of evidence, interview and interrogation techniques.
- A five-week basic course for county prosecutors' investigators/detectives and state investigators.
- Basic and advanced arson investigation courses attended by federal, state and local law enforcement and fire agency representatives.

In 1984, the Division of Criminal Justice also developed and presented a basic training program for municipal prosecutors, provided over 800 copies of a new charging manual to law enforcement agencies throughout the state and continued to provide

specialized seminars on topics such as homicide investigation, financial crimes investigation, child abuse, new family court rules, crimes against women, and racial, ethnic and religious terrorism.

The Medicaid Fraud Section coordinated training for 23 other state attorney generals' offices focusing on the use of computers and existing data bases to detect fraud. The Environmental Prosecutions Section continued to conduct seminars for local police departments concerning the problems and techniques of investigating illegal disposal of toxic wastes. In addition, representatives of the Environmental Prosecutions Section along with the Northeast Project are providing assistance to the Federal Law Enforcement Training Center in Glynco, Georgia in developing a national basic training program in hazardous waste investigation and prosecution.

During the past year, the Northeast Hazardous Waste Project directed training programs attended by 450 participants representing 26 states. As a result of such training programs, which include not only classroom instruction, but also field exercises in handling situations involving abandoned hazardous waste, the Northeast Project has achieved state and national acclaim. The project also provides specialized training in environmental insurance issues, risk assessment and financial crime in the hazardous waste industry.

Overall, during 1984, a total of 2,514 individuals, representing the 21 counties within New Jersey and at least 26 states, participated in training organized and delivered by Division staff. In addition, deputy attorneys general from the Division support the training activities of the New Jersey State Police, local and county law enforcement agencies, and several other departments in state government.

The Police Training Commission, established through legislation enacted in 1961, was instituted to improve the administration of local and county law enforcement through education, training and higher standards of efficiency. The development and administration of a compulsory basic training program for newly appointed police officers throughout New Jersey is the Commission's primary concern. During 1984, 961 police trainees were enrolled in this basic course. In addition, courses specifically designed for county prosecutors' detectives, deputy sheriffs,



DCJ Training Program



**Northeast Hazardous Waste
Project Training Program**

county park rangers, and certain arson investigators were administered by the Commission and conducted at several commission-approved schools.

Over the past year, the Commission began revising and updating the Performance Objective System of Training (POST) for use in commission-approved schools. The POST program relates specific training lessons to the actual jobs performed in the field.

Moreover, to standardize and improve the physical training segment of the basic course for police officers, a Physical Conditioning Advisory Committee was established. The committee has developed model medical history and medical examination forms, criteria for determining levels of physical fitness, and a proposed physical conditioning program. In conjunction with the pilot physical conditioning program conducted during 1984, a state-wide analysis of law enforcement physical activities was started to gather data for use in developing physical training standards for entry-level police officers.



**Police Training Commission
Basic Police Training Program**

Forensic Science

As the hub of the New Jersey medical examiner's system, the Office of the State Medical Examiner has made the system one of the country's technological leaders in forensic science. The new rules and regulations, adopted in December 1983 and now fully implemented, have greatly improved the quality of medical examiner services throughout New Jersey. Changes were made in the areas of mandatory and discretionary postmortem examinations, standards for dissection, and conduct of death investigations and death certifications. The revised rules and regulations also set standards for minimum facilities necessary to perform competent medicolegal autopsies.

The Office of the State Medical Examiner is responsible for setting the standards and procedures of all 21 county medical examiners' offices within the statewide system. As part of those standards, the office is responsible for reviewing and certifying the qualifications of all medical personnel within the system.

At various times during 1984, the state office was responsible for the direct supervision of five county medical examiners' offices. The state office continued to operate both the Essex and Gloucester County Medical Examiners' Offices and, at the request of the respective county, assumed direct supervision over the medical examiner's office in both Hudson and Warren Counties. Further, the reorganization of the Passaic County Medical Examiner's Office, which has been under state supervision since 1983, was completed during 1984. With the reorganization complete, responsibility for the total operation of the office has been returned to the county.

In 1984, the Edwin H. Albano Institute of Forensic Science completed a second full year of operation. During this past year, 420 autopsies were performed by state medical examiners. In addition, over 1,300 autopsies were performed by county medical examiners using the new, modern facilities of the institute. Within the overall state system, more than 5,500 autopsies were performed while another 27,000 bodies were examined for cause of death by both state and county offices.



**Office of the State Medical Examiner
Forensic Services**



Forensic Services

Statistical Summary and Supplemental Information

**DEFENDANTS WITH INDICTMENTS/ACCUSATIONS DISPOSED
BY MANNER OF DISPOSITION 1984**

	TOTAL DEFENDANTS DISPOSED	CONVICTIONS	PTI/ CONDITIONAL DISCHARGE	DISMISSALS	ACQUITTALS
Antitrust, Solid Waste	1	1	-	-	-
Casino Prosecutions	94	55	26	3	10
Environmental	9	8	1	-	-
Major Fraud	23	23	-	-	-
Medicaid	48	43	1	2	2
Program Integrity	-	-	-	-	-
Tax Evasion	8	8	-	-	-
Unemployment	-	-	-	-	-
Special Prosecutions	19	14	5	-	-
SGJ Litigation	155	129	3	16	7
Trial	115	93	8	2	12
Division TOTAL	472	374	44	23	31

**MONIES ASSESSED AS A RESULT OF DIVISION
PROSECUTION ACTIVITIES 1984**

	CRIMINAL FINES/COST	RESTITUTION	VCCB PENALTIES	CIVIL (PENALTIES) LIABILITIES	FORFEITED PROPERTY	ANTITRUST SETTLEMENT AWARDS
Antitrust, Solid Waste	-	-	-	-	-	3,245,920.00
Casino Prosecutions	41,675.00	12,235.00	2,435.00	-	15,000.00	-
Environmental	27,500.00	-	125.00	-	-	-
Major Fraud	14,000.00	382,537.85	525.00	-	-	-
Medicaid	207,750.00	13,692.05	2,525.00	2,446,199.45	-	-
Program Integrity						
Tax Evasion						
Unemployment	35,570.00	5,189,128.15	1,325.00	-	-	-
Special Prosecutions	12,050.00	-	200.00	-	-	-
SGJ Litigation	447,400.00	280,900.00	2,945.00	167,000.00	268,526.00	-
Trial	44,955.00	87,768.91	5,475.00	-	-	-
Division TOTAL	\$830,900.00	\$5,966,261.96	\$15,555.00	\$2,613,199.45	\$283,526.00	\$ 3,245,920.00
					Total	\$12,955,362.41



**DIVISION OF CRIMINAL JUSTICE
STATISTICAL SUMMARY
1984**

	Investigations	
	Opened	Closed
INVESTIGATIONS BUREAU		
Casino Prosecutions	249	260
Environmental Prosecutions	191	201
Major Fraud	91	83
Special Prosecutions	222	217
SGJ Litigation	192	72
Total	945	833

ECONOMIC CRIME BUREAU		
Antitrust, Solid Waste	213	228
Medicaid Fraud	111	92
Program Integrity	8	7
Tax Evasion	24	10
Unemployment Fraud	12	4
Total	368	341

ELECTRONIC SURVEILLANCE		
Court Authorized		35
Consensuals		97

STATE GRAND JURY ACTIVITIES		
Indictments		94
Defendants Indicted		335
Accusations		4
Defendants Charged by Accusation		4

COUNTY GRAND JURY ACTIVITIES		
Indictments		162
Defendants Indicted		199
Accusations		64
Defendants Charged by Accusation		69

TOTAL GRAND JURY ACTIVITIES		
Indictments/Accusations		324
Defendants Charged		607

OPERATIONS BUREAU	
Appellate Activities	
Appeals Opened	2,399
Appeals Closed	1,433
Briefs Filed	1,487

Legislative Liaison	
Legislative Comments	77
Legislative Initiatives	31

Prosecutors Supervisory	
Prosecutors Advisories	183
Citizen Complaints Received	207
Witness Immunity Petitions (County)	60

Trial Section	
Cases Opened	119
Cases Closed	183

ADMINISTRATION BUREAU	
Administrative Section	
Personnel	
New Employees	92
Employees Terminated	63
Applications	594

Information and Records Management Section	
Cases Opened	2,982
Complaint Investigations	1,186
Background Investigations	483

Training Section	
Training Courses/Projects Completed	38

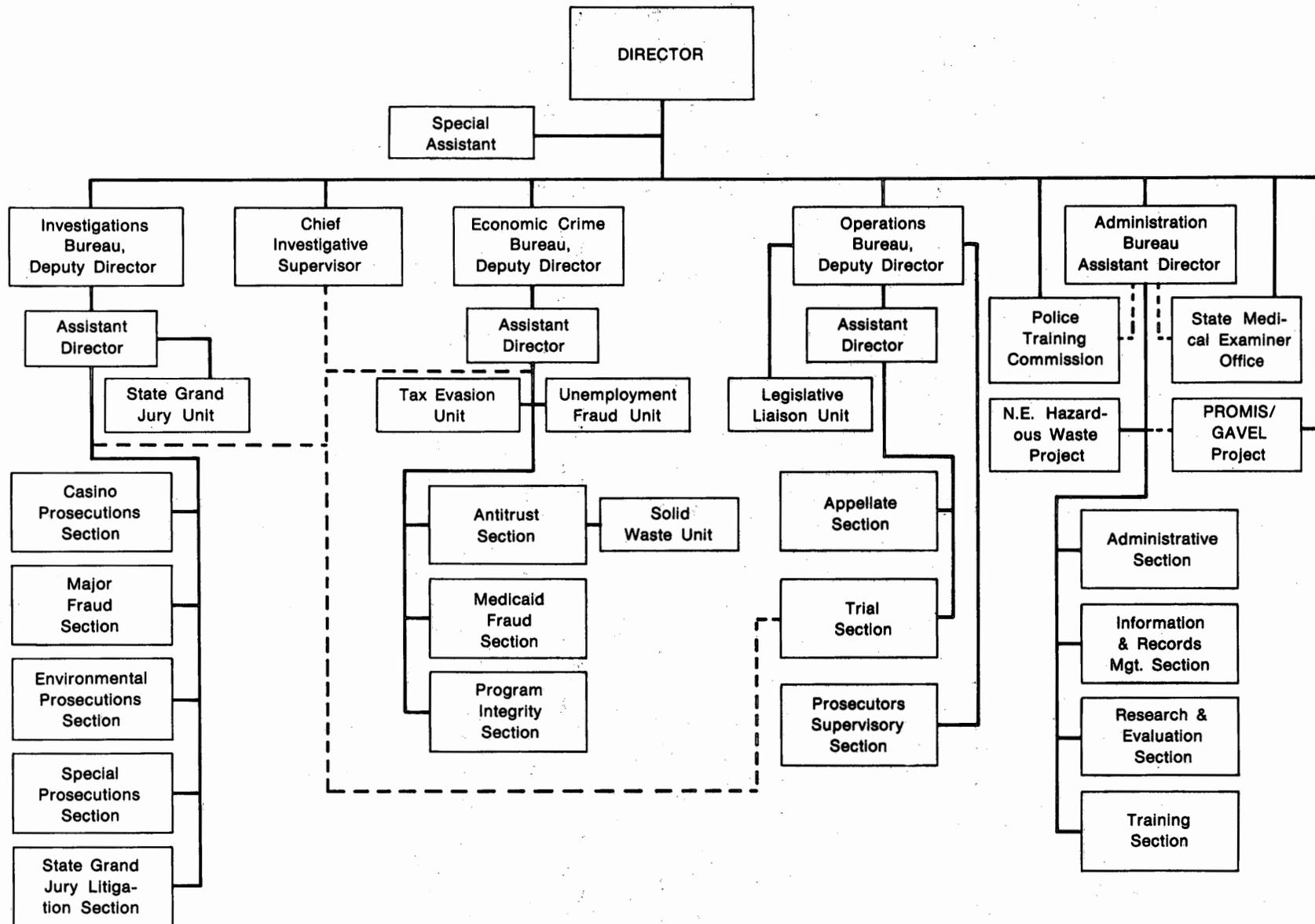
Research and Evaluation Section	
Projects Completed	
Information Research/ Internal Analysis	22
Long Term Projects	1

Police Training Commission	
Basic Course Trainees	3,859
Programs	117

Office of the State Medical Examiner	
Autopsies Performed	420
County Autopsies Reviewed	5,540
Toxicology Cases	3,244
Investigations	27,618

DIVISION OF CRIMINAL JUSTICE

TABLE OF ORGANIZATION



**Published by
Division of Criminal Justice**

Editorial and Design Staff

John G. Holl, *Deputy Director*
Operations Bureau

Thomas J. O'Reilly, *Assistant Director*
Administration Bureau

Raymond Shaffer, Training Section
Joseph Trapp, Information and Records Management Section
Judy Wheat, Research and Evaluation Section

**State of New Jersey
Department of Law and Public Safety
DIVISION OF CRIMINAL JUSTICE
25 Market Street CN085
Trenton, N.J. 08625**