

Division of Criminal Justice Annual Activities 1986

New Jersey State Library

J
0
935
986
L. 2.



New Jersey Department of Law & Public Safety

NEW JERSEY ATTORNEY GENERAL'S LIBRARY
3 4268 00014 5832



Division of Criminal Justice Annual Activities 1986

Thomas H. Kean
Governor

W. Cary Edwards
Attorney General

Donald R. Belsole, Director
First Assistant Attorney General



New Jersey Department of
Law & Public Safety





The Division of Criminal Justice

The Division of Criminal Justice, within the Department of Law and Public Safety, oversees and exercises the functions, responsibilities and powers of the Attorney General pertaining to the detection, enforcement and prosecution of the criminal business of the state.

Leadership in the state law enforcement community is depicted in Division investigative and prosecution activities, training programs, legislative initiatives and participation in specialized criminal justice activities.

New Jersey's unified system of law enforcement, established through the Criminal Justice Act of 1970 (*N.J.S.A. 52:17B-97 et seq.*), provides for a coordinated statewide system. This integrated system of law enforcement, unique among states, enables the Division, on behalf of the Attorney General, chief law enforcement officer of the state, to work toward the goal of uniform and effective enforcement of the criminal law and administration of criminal justice throughout the state.

Since its inception, the Division has become increasingly involved in every aspect of law enforcement and related activities. The Division provides leadership in the areas of appellate litigation, victim/witness assistance, legislative initiatives, research, juvenile justice and criminal justice training, as well as investigative and prosecution activities concerning organized crime, hazardous waste crime, white collar crime, official corruption and anti-trust matters. The Division not only exercises the original jurisdiction of the Attorney General but also supersedes in those matters involving a conflict of interest with the prosecutor's office. These activities along with accomplishments, including developing a statewide strategy to combat drug abuse and expanding its scope of police services, demonstrate the Division's commitment to improve the quality of law enforcement and criminal justice and concern for the citizens of the state.

Highlights of 1986

- **State v. Manning.** After a lengthy nationwide manhunt and months of preparation, the Division tries and convicts this self-confessed revolutionary charged with murdering New Jersey State Trooper Philip Lamonaco in 1981.
- A comprehensive, statewide strategy entailing a coordinated, multi-disciplinary approach is developed to attack simultaneously the supply and demand sides of the drug distribution problem.
- The Statewide Narcotics Task Force successfully coordinates a three-county undercover drug operation resulting in the arrest of 222 people, nearly half of which were charged with selling drugs in an elementary schoolyard.
- Over 2,000 New Jersey high school students were surveyed to determine the nature and scope of the drug and alcohol abuse problem and perceived availability of controlled dangerous substances.
- **State v. Colbert.** This Environmental Prosecutions indictment charges two brothers, previously convicted of chemical waste offenses, their companies and an Ohio firm with illegal storage or abandonment of thousands of drums of dangerous chemicals located at seven New Jersey sites.
- An extensive, two-year state grand jury investigation leading to the indictment of Nicodemo Scarfo and 11 top associates on charges of racketeering, loansharking and gambling, alleges the Scarfo organized crime family constitutes an illegal enterprise in violation of the state racketeering law.
- Several alleged organized crime leaders, including Andrew Gerardo, who is believed to have master-minded the operation from prison, are arrested on charges of running a bi-state million dollar a week racketeering operation.
- **State v. Rodgers, et al.** The state grand jury indicts a Florida attorney and businessmen in what is believed to be the largest title insurance fraud (over \$18 million) ever discovered.
- **State v. Darby, et al. State v. Gracia, et al.** A north Jersey man and two Florida men are indicted on charges relating to the theft of more than \$2.7 million by allegedly tampering with electric and gas meters at over 90 commercial establishments in New Jersey.
- The Division argues successfully as *amicus curiae* before the New Jersey Supreme Court that a criminal complaint charging the sexual assault of a juvenile need not allege an exact date of occurrence, removing the almost insurmountable obstacles to prosecution previously erected by an Appellate Division decision.
- The Office of Victim/Witness Advocacy is created within the Division to promote victim rights and expand the availability of victim/witness services statewide.
- The **Criminal Law Digest**, a comprehensive digest of current substantive and procedural criminal law, is published as an authoritative reference for the New Jersey prosecutorial community, police officers, the judiciary and members of the legal profession as a whole.
- The Organized Crime Racketeering Task Force is created to prosecute organized crime, corruption, racketeering and certain environmental crimes as well as to develop civil racketeering (RICO) cases to seize assets acquired using the fruits of organized crime activity.
- A Law Enforcement Services Group established within the Division to provide a wide-range of specialized services and assistance to state, county and local law enforcement agencies.

Law Enforcement Improvements

The training, professionalism, proficiency, and performance of local law enforcement officers is important to all the citizens of New Jersey, especially to the officers themselves. Recognizing the concern of all involved parties and in acknowledgment of the important role society assigns to police officers, the Division is engaged in an ongoing effort to achieve uniform and effective law enforcement throughout the state. Attorney General guidelines, policy considerations, and legislation issued during 1986, along with management and advisory services and training activities, are designed to promote the highest standards of police performance, efficient police administration, and quality police services.

In 1986 Attorney General W. Gary Edwards issued drug testing guidelines for all New Jersey law enforcement officers who carry firearms pursuant to *N.J.S.A. 2C:39-6*. This policy, which agrees with the recommendations of the subcommittee of the Criminal Justice Advisory Council, was drafted by the Division. The policy adopted by the Attorney General is designed to maintain public confidence in the professionalism and competence of the New Jersey law enforcement community, while safeguarding the constitutional rights of all law enforcement officers.

At the request of Camden City administrators, a team of management and police specialists was organized to conduct an assessment of the Camden Police Department. The Division, committed to assisting local police in the delivery of efficient police services, coordinated the study team and provided experts in the field of police administration to assist in the project.

In an effort to promote highway safety and to improve police services, the Division and the Police Training Commission (PTC) developed a new certification program for radar operators and instructors. The program will help police officers to respond to courtroom challenges concerning their competence and proficiency in operating radar equipment. The program was developed in response to requests from the New Jersey State Association of Chiefs of Police and the New Jersey Traffic Officers Association.

During the past year, the PTC completed implementation of the Performance Objective System of Training (POST) for their mandatory basic training

curriculum in all commission-approved schools. All newly-appointed police officers are now required to complete this program consisting of 13 functional areas of instruction and a comprehensive orientation to police policies, procedures and practices. The Commission also completed the first comprehensive study of physical activities performed by New Jersey municipal police officers in the course of their official duties. The results will be used to recommend refinements of training guidelines and standards for police physical conditioning programs. Both the statewide implementation of POST and the physical activities study are aimed at improving the quality of training for New Jersey police officers and, thereby, improving their on-the-job performance while ensuring their safety and well-being.

Another research effort dealing with local police involves an analysis of police administrators' and supervising officers' education and experience. Responses from a survey initiated by the New Jersey Association of Chiefs of Police are being analyzed by the Division to obtain information about the available pool of prospective police administrators.

The Division develops and promotes guidelines and legislative initiatives designed to improve the quality and effectiveness of the administration and delivery of police services. The Gun Control Act, which coincides with an Attorney General directive prepared by the Division, requires law enforcement officers and certain security officers to satisfactorily complete basic firearms training and qualifications before they may lawfully carry a firearm. The Special Law Enforcement Officers Act regulates requirements and criteria for the appointment and utilization of special police officers by local authorities.



DCJ state investigators participating in required firearms training and requalification.

Understanding Hazardous Waste Crime

A comprehensive research project was conducted to examine hazardous waste offense and offender characteristics in the Northeast. Criminal case data from four sample states (Maine, Maryland, New Jersey and Pennsylvania) were collected and examined and interviews of prominent hazardous waste crime enforcement personnel were conducted. The information collected furnishes crime-specific insight and is intended to be useful for law enforcement efforts. A summary of findings is provided below.

Occupational Characteristics

- The highest categorical frequency of firms charged were hazardous waste generators.
- The highest frequency of offending firms in New Jersey was in the category of treatment/storage/disposal (TSD) facilities.
- Individual employee offenders were balanced among hauling firm employees, generator employees, treatment/storage/disposal (TSD) facility employees and TSD/hauling facilities.
- Offenses were generally found to be committed under approval of owners or executive officers of the offending facilities.

Methods of Offense Commission

- The prevailing methods of offense commission were evenly dispersed among improper stockpiling, abandonment or non-consensual release in remote areas, and consensual release on private property.
- In Maine, Maryland and Pennsylvania, offenders who discharged in sewers or bodies of water were likely to be waste generators. In New Jersey, they were likely to be treaters or treater/haulers who disposed in on-site drains or abutting waterways.
- In New Jersey, landfill case offenders who were criminally charged were those who illegally disposed in them. In Maryland and Pennsylvania, landfill cases were characterized by operators who had opened unauthorized landfills that over time gained a certain degree of legitimacy.

Group Crime and Offender Network

- As with much criminal activity in general, the hazardous waste crimes in the sample were characterized by small "group crime" conspiracies, mostly within the firms with lower level employees executing the offenses.
- The strongest offender networks within the sample were in New Jersey where systems were identified linking the executive officers of TSD facilities and hauling firms.

Investigative Methods

- The most prevalent means of offense discovery were citizen complaints to regulatory or law enforcement officials and state regulatory inspections of TSD facilities, records or manifests.
- Additional sources of offense discoveries were local law enforcement and regulatory personnel observations and employees of offending firms who were ordered to commit offenses or witnessed the commission of offenses.
- Investigative methods include the use of long-range photography and aerial surveillance to detect commission methods within enclosed environments.

Prosecution Issues, Pressures/Obstacles

- Hazardous waste crime prosecutors are often exposed to the alternating pressures of public demands to accelerate criminal prosecutions and corporate demands to abandon them.
- Prosecution obstacles include pursuit of evidence of criminal activity on privately owned disposal sites and documentation of exact dates, environmental inspectors lack of training and experience in criminal investigations, and the collection and recording of source information.
- Expert witnesses were of greatest value in providing testimony concerning the level of danger or risk posed by disposal wastes and where the offenses were committed as part of specific industrial processes such as electroplating and degreasing.
- Inadequacies in state manifest systems and inconsistencies between state and local regulations were believed to sometimes hinder effective detection and prosecution of offenders.

Public Interest Activities

The Division is continually working to serve the public interest through its efforts to improve efficiency in the criminal investigative and prosecutorial process. This includes the detection, arrest, indictment and conviction of criminal offenders, as well as the evaluation of existing criminal justice programs and procedures. Among the activities benefitting the public are criminal investigations into organized crime and official corruption, violation of antitrust laws, environmental pollution, and various economic crimes.

As a result of a law promoted by the Division and enacted in 1986, the State Office of Victim/Witness Advocacy became operational. This office, located within the Division, is responsible for expanding the availability of victim and witness services within the Division and the 21 county prosecutors' offices. The office also has the duty to appoint victim/witness coordinators in all 21 counties and to recommend standards for victim/witness services provided by law enforcement agencies. In addition to sponsoring training programs for victim/witness coordinators and staff, the office also participates in training programs for prosecutorial and investigative personnel statewide and assists in the development of curriculums to familiarize newly-appointed police officers with the rights and needs of victims and witnesses.

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. A major initiative in this area involves an action filed by the Division and 36 other states against the Minolta corporation charging the corporation and its dealers with setting minimum prices for cameras with its dealers.

As part of an effort to protect the environment, the Division's Environmental Prosecutions Task Force in *State v. Colbert* indicted two brothers from New York, their two companies, and an Ohio firm for allegedly illegally storing or abandoning thousands of drums of dangerous chemicals at seven New Jer-



Attorney General Edwards swearing in victim/witness coordinators serving in county prosecutors' offices.

sey sites. Previously having been convicted of chemical waste offenses, the defendants, if convicted, now face the persistent offender sentencing provisions which permit the sentencing judge to impose prison terms and fines twice that normally authorized.

With the expansion of the Environmental Prosecutions Section to a Task Force, new investigative areas have been initiated. In specific, investigations will now also focus on water pollution violations, including violations perpetrated by publicly-owned or operated municipal waste water treatment plants. In addition, a communications network was established with private industry and labor representatives to investigate incidents where an employer intentionally or recklessly causes injury or the risk of injury to his employees.

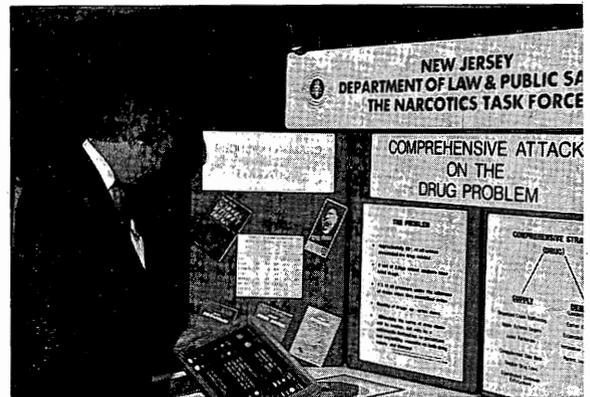
Also of significance are the Division's activities with respect to incidents of child abuse and institutional abuse as well as crimes against publicly-funded programs, including medicaid and unemployment fraud, and frauds against businesses. The impact of medicaid fraud is suffered mostly by the elderly and poor, while the impact of fraud in general, white collar crime and antitrust violations is suffered by all New Jersey residents through increased retail prices and rates.

System Coordination

New Jersey's unified system of law enforcement allows the Division, working in cooperation with the 21 county prosecutors and other law enforcement agencies, to conduct activities to improve law enforcement and the criminal justice system and promote uniform enforcement of criminal laws. The Division develops innovative administrative measures and various system improvements designed to respond to changing criminal justice needs. These coordinated efforts are achieved through formal and informal legal opinions and various supervisory, technical and training services.

During 1986, the Division instituted a number of organizational changes to improve the efficiency of its operations and prosecution activities statewide. Among these is the creation of an Organized Crime Racketeering Task Force which is intended to enhance the state's ability to prosecute organized crime, corruption, racketeering and certain environmental crimes. This new Task Force contains a specialized unit to develop civil cases under the state's racketeering act (RICO). The RICO Act facilitates the seizure of property and assets acquired through the fruits of organized criminal activity. Moreover, guidelines for RICO forfeiture actions were developed to assist county prosecutors' offices and unify procedures statewide.

The Statewide Narcotics Task Force, comprised of key personnel in the Division of Criminal Justice and Division of State Police, represents a cooperative effort to coordinate statewide activities against narcotics violations. Overall, the strategy entails a multi-disciplinary approach designed to attack both the supply and demand sides of the drug distribution problem. In conjunction with these efforts, the Division drafted a report which served as the basis for the Governor's "Blueprint for a Drug-Free New Jersey." In addition, the Division drafted a proposal revising New Jersey drug laws which was subsequently endorsed by the Governor and introduced in the Legislature. In a related vein, the Division



Attorney General Edwards studies the Narcotics Task Force display at the Governor's Conference on Crime.

administered, for the third time, a survey to high school students to determine the nature and scope of the drug abuse problem and perceived availability of controlled dangerous substances.

The Division, recognizing that state, county and local law enforcement agencies have specialized needs and concerns, formed a Law Enforcement Services Group. This group is comprised of the Police Services and Training Sections. Included among the wide range of responsibilities are development of statewide training standards, management assistance, research and analytic services.

The Division as a whole, as well as individual sections and units, depicts a readiness and ability to respond to current developments in the law and criminal justice practice and conducts various activities and programs which contribute to system coordination and leadership. The Prosecutors Supervisory Section, acting as a liaison between 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 Litigation Section not only prosecutes state grand jury matters, but also exercises the Attorney General's authority 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 prosecutors' offices.

To more efficiently investigate and prosecute cases of abuse in such institutions as residential facilities, day-care centers, and shelters, the Institu-

tional Abuse Unit was established. This unit provides a centralized law enforcement mechanism for responding to complaints of abuse in state institutions and provides leadership for matters investigated on the local level. Other examples of system coordination and leadership include appellate litigation, victim/witness assistance, legislative initiatives, computerization of prosecutors' offices, criminal justice training, investigation and prosecution activities. In specific, leadership and system coordination are achieved as well by:

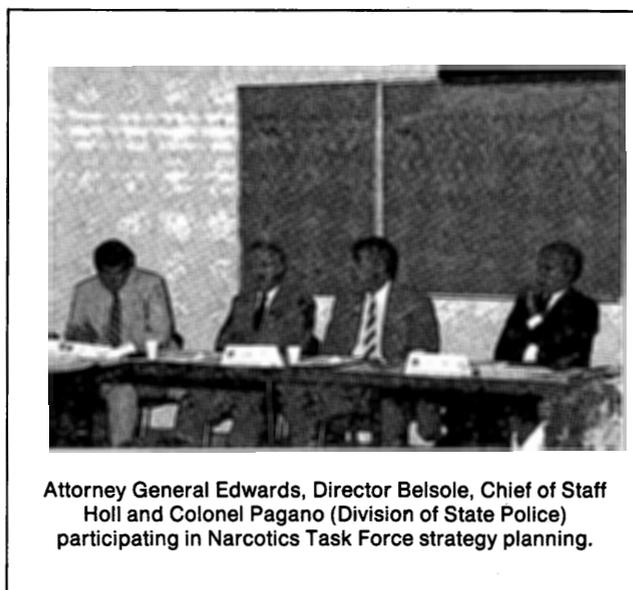
- Developing and providing criminal justice and law enforcement training programs concerning diverse topics such as electronic surveillance, arson, hazardous waste investigations and prosecutions.
- Rendering advisory opinions to law enforcement agencies with respect to criminal law and procedure.
- Conducting research activities involving current criminal justice issues and concerns such as speedy trial, education and experience of supervising police officers, police physical tasks and training.
- Developing guidelines for effective law enforcement in areas such as drug testing, firearms training, the use and training of special police officers.
- Preparing publications dealing with current developments in criminal law and statutes.
- Supervising the qualifications, training and procedures of county medical examiners through the state medical examiner.
- Providing legal guidance and assistance and expert testimony in capital punishment litigation.
- Participating on state and multi-state task forces.

During 1986 the Division, in cooperation with the Administrative Office of the Courts and county representatives, completed installation of the PROMIS/GAVEL System in five additional counties. In all, PROMIS/GAVEL is fully operational in 17 counties. PROMIS/GAVEL, through computerized case management, has proven to be a useful information system for automating county prosecutors' offices and county trial courts. It is used to track defendant cases from date of receipt to disposition, to manage work loads, and to generate calendars, schedules, and required statistical reports. As installation continues in the four remaining counties, plans to up-

grade the overall system are underway. Such improvements are intended to expand system capabilities, increase productivity and efficiency and address prosecutorial and judicial needs not anticipated in previous years.

Leadership and active participation in the hazardous waste area include investigative activities and criminal prosecutions involving violations of environmental laws, coordination of the multi-state Northeast Hazardous Waste Project, and completion of a comprehensive analysis of hazardous waste offenses and offenders. During the past year, the Division established a cooperative working relationship with the Department of Environmental Protection to assure the identification of criminal cases and prompt responses in situations having criminal implications and to ensure the preservation of evidence in those matters. Moreover, the Division assisted in drafting a legislative proposal, the Environmental Pollution Control Act, intended to strengthen environmental laws in New Jersey.

Finally, through participation in statewide boards and commissions which review and regulate law enforcement and criminal justice activities, and which recommend necessary policy changes, the Division significantly contributes to the introduction of system improvements, advancements and coordination. Accordingly, the Division assumes a key leadership role in, for example, the Governor's Task Force on Child Abuse, the Commission to Deter Criminal Activity, the Criminal Justice Advisory Council, and the Speedy Trial Committee.



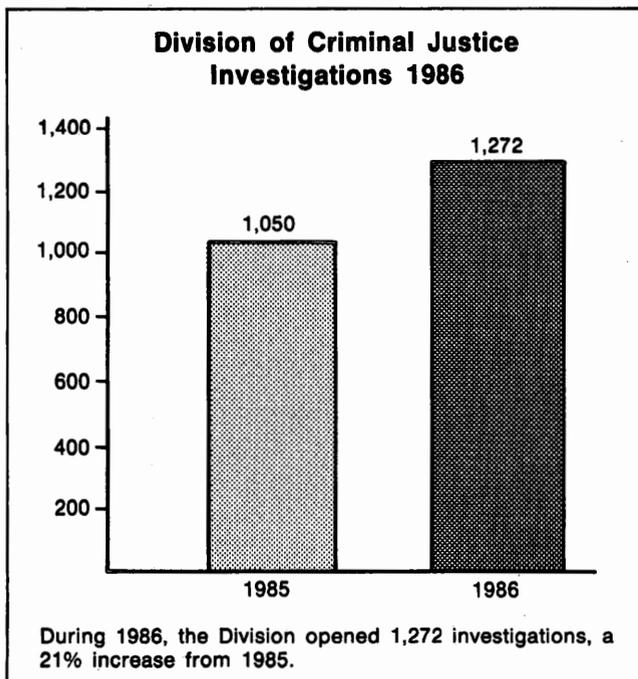
Attorney General Edwards, Director Belsole, Chief of Staff Holl and Colonel Pagano (Division of State Police) participating in Narcotics Task Force strategy planning.

Investigations and Prosecutions

With a statutory obligation to obtain "effective and uniform enforcement of the criminal laws throughout the state," the Division of Criminal Justice has been charged with the important function of investigating and prosecuting 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 county prosecutors. In this regard, the Division is comprised of various sections, units and task forces designed to provide such strategies. As a result, the Antitrust, Casino Prosecutions, Major Fraud, and Medicaid Fraud Sections, Tax Evasion and Unemployment Fraud Units, and Environmental Prosecutions, Organized Crime Racketeering and Narcotics Task Forces pinpoint those principal problem areas.

In response to changing priorities and law enforcement needs, investigative efforts must be re-focused to address emerging issues and concerns. For instance, in 1986 attention was renewed and efforts expanded on the vast problems created by narcotics trafficking and organized criminal activity conducted in New Jersey. To aggressively attack these problem areas, the Division formed the State-wide Narcotics Task Force Bureau and the Organized Crime Racketeering Bureau.

In spite of previous efforts by our law enforcement community to combat drugs, the problem has not diminished. As a result, the newly-formed Narcotics Task Force Bureau implemented a comprehensive program aimed at both the supply side or trafficking of illegal drugs, and the demand side or abuse of drugs. Working in conjunction with the Division of State Police, this bureau is focusing on enhancing state, county and local drug enforcement activities and developing comprehensive, coordinated and multi-disciplined strategies to reduce the demand for drugs through education, prevention, intervention and rehabilitation programs. Similarly, to step-up the aggressive prosecution of organized crime, corruption, racketeering and environmental criminal activities the Organized Crime Racketeering Task Force was created. In addition to pursuing traditional criminal prosecutions, this new task force contains a separate unit to develop civil cases under the provisions of the state's racketeering (RICO) act, which allows the state to seize property and assets that were acquired using the fruits of organized criminal activity.



The Institutional Abuse Unit was established to investigate and prosecute cases of physical and sexual abuse occurring in institutions licensed or operated by the New Jersey Division of Youth and Family Services (DYFS). This unit, working in cooperation with DYFS, investigates charges of abuse in such institutions as residential facilities, group homes,

**Division of Criminal Justice Investigations
Work Volume 1986**

Section/Unit/Task Force	Investigations	
	Opened	Closed
Antitrust, Program Integrity, Solid Waste	72	64
Casino Prosecutions	381	431
Environmental Prosecutions	94	70
Institutional Abuse	175	110
Major Fraud	226	192
Medicaid Fraud	75	53
Organized Crime Racketeering	127	114
Tax Evasion	16	5
Unemployment Fraud	106	140
DIVISION TOTAL	1,272	1,179

day-care centers, detention centers, shelters, day camps, mental health and developmental disability facilities. In the area of environmental crimes, the Environmental Prosecutions Task Force Bureau expanded investigative activities to include instances of water pollution. Prior to this initiative, water pollution had not been a typical charge in criminal cases despite the obvious harm it can cause. Other areas of intensified investigative activity include insurance fraud, criminal tax cases, and medicaid fraud, specifically within the home health care service industry.

In 1986, 1,272 investigations were opened and 1,179 were closed division-wide.

Continuing unabated during 1986 was the Division's utilization of computer applications in complex criminal cases. Computer applications are used to organize and analyze investigative data, for timely and efficient data input management, to target instances of medicaid and unemployment fraud, and to track cases through the investigative and prosecution process. For instance, the Narcotics Information Computer System, used as both an investigative tool and an analytical resource, enables the effective exchange, analysis and dissemination of current narcotic enforcement information.

In addition to those cases involving original jurisdiction to investigate and prosecute, another major area of prosecutorial activity for which the

Division is responsible are county supersession cases. The Division of Criminal Justice, on behalf of the Attorney General, may supersede a county prosecutor for the purpose of prosecuting criminal matters which involve an apparent or actual conflict of interest. In January 1986, supersession and state grand jury litigation activities were merged to form a more efficient and unified litigation section. Centralization of litigation activities will also ensure consistency and uniformity in the processing and disposition of indictments handled within the Division.

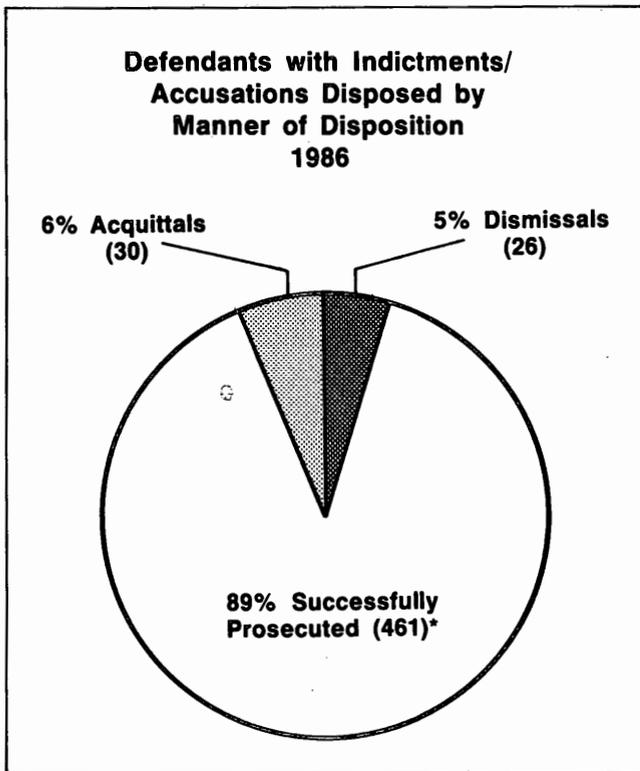
During 1986, 223 cases, both pre-indictment and post-indictment, were received and accepted for supersession from county prosecutors' offices. The Litigation Section obtained indictments/accusations charging defendants in supersession matters. While county indictments are obtained in supersession matters, the bulk of Division cases determined to warrant referral for indictment are channeled through the State Grand Jury. During 1986, 36 grand juries convened for a total of 348 grand jury sessions. In all, 109 state grand jury indictments or accusations were filed charging 178 defendants. In addition, utilizing county grand juries, 151 defendants were charged in 120 indictments or accusations.

**Division of Criminal Justice
1986 Grand Jury Activities**

	Indictments/ Accusations	Defendants
State Grand Jury Activity	109	178
County Grand Jury Activity	120	151
TOTAL	229	329

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

During 1986, as a result of Division prosecution activities, 517 defendants charged by indictment or accusation reached final disposition. Of those defendants whose cases were disposed, 72% were convicted through either plea or trial and 17% were accepted into diversionary programs. The remaining



11% were disposed through acquittal or dismissal of charges. In all, 89% were successfully prosecuted.*

To implement provisions of the New Jersey racketeering statute, the Civil RICO Unit was formed in August 1986. The unit is responsible for pursuing certain civil forfeitures that emanate from investigations conducted by the Organized Crime Racketeering Bureau. Shortly after being established, the unit published and disseminated statewide a comprehensive guide detailing the statute and outlining its use. The use of available civil remedies, such as divestiture of interest, corporate dissolution or reorganization and loss of charter or business license, is intended to fight organized crime infiltration of legitimate businesses. Antitrust enforcement activities also often involve civil remedies, both in conjunction with criminal remedies and alone, depending upon the facts or nature of the case proofs available. Fines, penalties and settlement awards arrived at as a result of civil proceedings in antitrust matters 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 generates substantial revenue for the state through criminal and civil penalties, fines and Antitrust settlement awards. In 1986, over \$5.6 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.

Significant Division Cases 1986

Operation Carrus. The state grand jury returned an indictment against 41 defendants from South Jersey and Philadelphia for racketeering charges, conspiracy, theft, receiving stolen property, fencing, alteration of vehicle identification numbers, burglary, possession and distribution of controlled dangerous substances, false swearing and hindering prosecution. As a result of the investigation nearly \$1.5 million in stolen motor vehicles, heavy equipment and other property was recovered.

Operation Eagle. The state grand jury indicted 17 persons and 8 corporations on charges involving an organized criminal conspiracy to illegally run licensed junket excursions from 17 states, including New Jersey, to Atlantic City casinos. The indictment alleges that Casino Caravans, using licensed junket representatives, engaged in illegal junket activity including bus or air junkets. In connection with these junkets, the Claridge paid in excess of \$850,000, while Caesars paid more than \$5 million. Indictment charges include employment without license, falsifying records, tampering with public records or information, misconduct by corporate officials, and tampering with witnesses.

State v. Scarfo, Leonetti, et al. The state grand jury indicted Scarf, Inc., Nicodemo Scarfo and 11 top associates from Philadelphia and southern New Jersey on charges of racketeering, loansharking and gambling, alleging an illegal enterprise in violation of New Jersey's Racketeering Law. The alleged conspiracy, dating back to 1969, involved intimidation, threats and violence to enforce repayment of loans and illegally high rates of interest.

State v. Hart. An indictment was returned charging George Hart, the former school food service director for the Salem School District, with official misconduct, theft by failure to make required disposition of property received and tampering with public records involving the theft of over \$200,000. The indictment alleges that for more than ten years the defendant had been stealing between \$180 to \$200 per school day from the school cafeteria receipts.

*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 v. Aero Plating Inc., et al. This case, the first of its kind in New Jersey, involves the death of a sewer worker as a result of an illegal discharge of hazardous waste by a metal coating company into the sewers. The state grand jury indictment returned in this matter charges the defendants with manslaughter.

State v. Blue Spruce Corporation. The defendants, Blue Spruce Corporation and its principle officer, indicted for the unlawful disposal of pesticides, including agent orange, and contamination of a large piece of land in Somerset County, were convicted. The defendant, Arnold Livingston, was sentenced to jail for violations of the New Jersey Water Pollution Control Act. This was the first time in New Jersey a term of incarceration was imposed for violation of that statute alone.

State v. Springfield Steel & Fiber Drum Company. This indictment, charging hazardous waste offenses, alleges the illegal dumping of drums of chemicals at approximately a dozen locations within the state.

State v. I.M.T.T. This matter involves a major corporation's failure to use required safety devices which ultimately led to a large chemical fire in which ten people suffered injuries. The company was charged with and pled guilty to the crime of creating the risk of widespread injury or damage.

State v. Blazovsky. This state grand jury indictment alleges a municipal employee falsified reports regarding wastewater quality compliance. As a result of his actions, the facility where he was employed polluted the receiving waters for a period of several years.

State v. Shackelford and SMA Importers, Inc. The defendant and corporation were indicted for theft and misapplication of \$97,474 of collected but not remitted sales tax. John Shakelford and the corporation were also charged with falsifying books and records.

State v. Halajian and Bay Yacht Sales, Inc. The defendants pled guilty to a two-count accusation charging them with the misapplication of approximately \$71,414 of sales tax which was collected but not remitted. The collected but not remitted sales tax was based on the sale of yachts by the defendants, Bay Yacht and Richard L. Halajian.

State v. Torre and Torre Photography, Inc. The defendants pled guilty to a multiple count accusation charging them with misapplication of entrusted sales tax, keeping false and fraudulent books and records, and New Jersey Gross Income Tax evasion.

State v. Strohl, et al. William A. Strohl, his pharmacy, S. Reses Apothecary, Joseph M. Fromm, manager of two boarding homes, and Milton X. Frantz, R.P., pharmaceutical consultant for the medicaid program, were indicted on violations of the Controlled Dangerous Substances Act, medicaid fraud; hindering apprehension and prosecution, false swearing, criminal coercion, official misconduct, and tampering with a witness. The indictment alleges that unauthorized prescriptions for controlled drugs were written by Strohl and billed to the medicaid program. In turn, the drugs were diverted for use by Strohl and Fromm.

State v. Brook Scientific Supply Co. The defendant pled guilty to medicaid fraud involving the payment of kickbacks to the Bayonne Hospital purchasing agent. The corporation was fined \$17,500 and ordered to pay \$15,000 restitution and a \$50 penalty.

State v. Jackson, Ph.D., et al. The defendants were indicted for medicaid fraud totaling \$16,834 and failure to file New Jersey corporate business tax returns involving \$4,206. Each medicaid fraud count reflects a day for which the defendant billed in excess of 24 hours of individual one-hour psychotherapy.

State v. Davis and Professional Ambu-Trans, Inc. Defendants pled guilty to five counts of medicaid fraud totaling \$80,525. In addition, they pled guilty to an unrelated medicaid fraud indictment involving the bribery of an employee of the University of Medicine and Dentistry for the referral of medicaid recipients.

State v. DiCecco, et al. A 55-count indictment and a one-count accusation were filed charging 14 defendants for participation in a large-scale conspiracy to defraud several insurance companies. The defendants, including insurance claims supervisors and claims adjusters, private automobile damage appraisers, auto body shop owners and a police officer, were also indicted for theft, official misconduct, and official bribery in connection with the submission of fraudulent insurance claims for property damage to automobiles totaling in excess of \$70,000.

State v. Rodgers. The defendant, Thomas Rodgers, was indicted for fraudulently obtaining loans in excess of \$40 million by misrepresenting the status of property used as collateral for the loans. Operating through his own title search company, Equity Title and Abstract Agency, over a four-year period Rodgers falsely certified clear title to numerous properties, when in fact there were as many as four first mortgages on the properties. This case has been identified as the largest title insurance fraud ever detected.



Medicaid fraud cases being reviewed for further investigative action.



State investigator preparing major fraud investigation for trial.

State v. Warren, et al. The defendants, charged in a 12-count accusation, pled guilty to franchise fraud. The complex conspiracy involved the fraudulent sale of franchises in companies known as National Hardware Wholesalers, Read-Help Inc., Snack Shacks of America and United Automotive by misrepresenting the prior success of these companies. Approximately \$1 million in franchises were sold by National Hardware Wholesalers alone. All ten defendants were sentenced to terms of incarceration ranging from four to nine years.

State v. Darby, et al. and State v. Gracia, et al. These state grand jury indictments charge three defendants with theft of energy from Public Service Electric and Gas, New Jersey Natural Gas, Elizabethtown Gas Company, and Jersey Central Power and Light. The indictments allege over \$2.7 million worth of energy was unlawfully received by tampering with energy meters at 94 commercial establishments monthly, beginning as far back as 1975. As a result, the utility companies allegedly undercharged for energy used.

State v. Wimberly, Jr., et al. This state grand jury indictment charges 22 defendants in a conspiracy to fraudulently obtain over \$60,000 in unemployment benefits. Twenty defendants have pled guilty to the conspiracy and received sentences ranging from seven years incarceration to probation with restitution; two defendants are fugitives.

State v. Chan, et al. Thomas Chan and Harry Kin Liu were convicted and sentenced on charges of conspiracy, theft by deception and swindling and cheating in connection with a black jack card marking scheme. Both defendants were sentenced to eight years incarceration and fined \$75,000.

State v. Dattilo. Defendant was indicted for defrauding the Golden Nugget of \$50,000, attempting to defraud the Golden Nugget of \$100,000 and defrauding the Atlantis Hotel Casino of \$100,000 during a one-week period. The defendant's scheme involved cashing phony certified bank checks from a non-existent bank. After pleading guilty, the defendant was sentenced to a four-year term of incarceration and \$52,000 restitution.

State v. Nicholas, et al. The defendant, Ronald Nicholas, was convicted of conspiracy, forgery and possession of forgery devices in connection with the use and manufacture of counterfeit slot tokens. The indictment alleges that the defendant, Nicholas, was the key figure in a scheme involving ten co-conspirators. Nicholas was sentenced to a 22-year term of incarceration.

State v. Amira, et al. This 25-count indictment charges 32 defendants with defrauding two casinos of \$739,000. Through various means, including false credit references and bribery, large credit accounts were established. After cashing in the chips received, the defendants defaulted on the debts. To date, 25 defendants have pleaded guilty. Several defendants have received terms of incarceration.

State v. Parker. The defendant, a special education elementary teacher in the North Bergen School District, Hudson County, was convicted by a jury of official misconduct. Charges involved a course of conduct in which the defendant used pornographic adult magazines in the classroom and engaged in a variety of other acts which endangered the welfare of the students.

State v. Siccone; State v. Shaver. The state grand jury returned indictments charging the defendants with the sexual abuse of ten children who attended the day care center where the defendants were employed as aides. Siccone was also charged with tampering with two witnesses, children named as victims of sexual assault. Both defendants pled guilty to two counts of sexual assault of children under age five.

State v. Scorp. This 14-count state grand jury indictment charges the defendant with criminal restraint, criminal coercion, falsifying documents, hindering prosecution, tampering with a witness and conspiracy. Indictment charges involve allegations that the defendant held five elderly women, former mental institution patients, in involuntary servitude in a boarding home. Allegedly, the defendant collected over \$170,000 in Social Security checks paid to the women over a period of ten years.

State v. Garcia, et al. Four known and several unknown defendants were indicted by the state grand jury for the theft of \$53,574 by deception. The theft allegedly involved unemployment fraud whereby several defendants purported employment and subsequently collected unemployment benefits using numerous forged documents, aliases and fictitious Social Security numbers.

State v. Williams and Manning. The state grand jury returned an indictment against the defendants, self-described revolutionaries, for the murder of New Jersey State Trooper Philip Lamonaco. After a lengthy jury trial, Manning was convicted of murder. The jury was unable to reach a verdict with respect to Williams, who will be retried following disposition of federal charges.

State v. Reldan. This matter involved the prosecution of a defendant charged with the abduction and murder of two young women during 1975. The initial trial of these murders resulted in a hung jury. The retrial, which resulted in a conviction, was reversed due to improperly admitted evidence. During a third trial, the defendant was convicted of both murder counts in spite of a ten-year lapse from

the original indictment and unavailability of several witnesses. The defendant was subsequently sentenced to consecutive life sentences.

State v. Stelnick. Richard Stelnick, a licensed life insurance agent, was indicted for the theft of more than a quarter of a million dollars from his clients. The theft allegedly involved the diversion of funds over a three-year period from annuity policies. Stelnick was found guilty of all 28 counts of the state grand jury indictment and sentenced to a nine-year state prison term and ordered to make full restitution to all clients.

State v. Klimkowski. The defendant was indicted and convicted after jury trial of the systematic theft of over \$125,000 from an 82-year old immigrant. The victim, who spoke little English and was in poor health, was persuaded to entrust the defendant with his financial affairs. In turn, the defendant diverted the victim's funds for his own use. As a result of the conviction, the defendant was sentenced to a seven-year prison term.

State v. O'Donnell. This state grand jury indictment charged Elizabeth Police Officer Charles O'Donnell with aggravated assault and official misconduct. The indictment charges were based on an assault of a prisoner in O'Donnell's custody. O'Donnell was convicted after jury trial and sentenced to a six-year prison term.

State v. Scozzari Construction, Inc., et al. This state grand jury indictment charged the defendants with tampering with public records, state income tax evasion, keeping false and fraudulent books, filing false reports and false swearing. Charges stemmed from the theft of nearly \$50,000 from the state by submitting a false claim for construction costs for the Hughes Justice Complex. In addition, the defendants maintained and submitted false corporate records to avoid tax assessments. Both individual defendants and two corporations pled guilty to indictment charges, were assessed fines and ordered to pay restitution, back taxes and penalties.

State v. Colbert. Two brothers from New York, their companies and an Ohio firm were indicted by the state grand jury for conspiracy and substantive criminal charges involving the illegal storage or abandonment of thousands of drums of dangerous chemicals at seven different sites around the state. The sites included both populated residential neighborhoods and commercial areas. The defendants had been previously convicted of chemical waste offenses.

State v. Barker. Defendant pleaded guilty to two counts of theft by deception for his part in a scheme involving the submission of fictitious fuel oil invoices. The defendant is charged with defrauding a corporation out of approximately \$473,000.00.

Prosecutors Annual Report Summary Findings

The prosecutors annual reporting system, a comprehensive, standardized reporting format, enables the Attorney General, through the Division of Criminal Justice, to secure, analyze and furnish county prosecutors and other criminal justice agencies with reliable information concerning statewide prosecution activities. Major areas of statistical reporting include prosecutorial screening activities, grand jury actions, defendant dispositions, and juvenile prosecutions.

Prosecutorial Screening and Grand Jury Activities

- During 1985, of the 87,707 defendant cases reviewed within 20 counties, 54% were screened out through administrative dismissal, downgraded charges, recommendation for diversion, or otherwise and 46% were referred for grand jury action.
- Of the 40,665 defendants completing the grand jury process statewide, 87% were indicted or charged by accusation, 9% were no billed with no further action taken and 4% were no billed with charges remanded to municipal court.

Diversions Activities

- Statewide, 4,983 defendants were accepted into PTI either pre- or post-indictment.
- In addition, in 18 reporting counties 2,138 defendants were granted conditional discharges.

Defendants with Indictments/Accusations Disposed

- Of the 31,744 defendants reaching final disposition during 1985, two-thirds (67%) were disposed through guilty plea and 7% through trial, 14% were accepted into diversionary programs and 13% had charges dismissed.
- In all, of the defendants reaching final disposition more than seven in ten (71%) were convicted (67% through plea and 4% through trial).
- Of those defendants convicted (by either plea or trial), more than eight in ten (83%) were convicted of the most serious offense charged.

Appellate Litigation

The Division of Criminal Justice has statewide supervisory responsibility for the prosecution of all criminal appellate matters. Centralization of appellate litigation ensures consistent quality in the state's representation in criminal matters, uniformity in responding to similar issues and increased efficiency in preparing briefs. After reviewing all the plenary adult criminal appeals from the 21 county prosecutors' offices, the Appellate Section retains approximately 75% for prosecution. In addition, most plenary appeals from within the Division are prosecuted by the Appellate Section. Deputy attorneys general from this section appear in criminal matters before the New Jersey Supreme Court, the Appellate Division of the Superior Courts, the Third Circuit Court of Appeals, the Federal District Court and the United States Supreme Court, as well as state trial courts. During 1986, 2,145 appeals were opened, 1,866 appeals were disposed and 1,434 briefs were filed.

Appellate litigation and related activities provide the law enforcement and criminal justice community with current useful information concerning the criminal law and procedure. These activities include implementation of the death penalty statute, publication of the *Criminal Justice Quarterly*, revisions of the *Criminal Law Digest*, and participation in legislative initiatives, training and legal research.

Of particular significance during 1986 are 24 appeals involving capital punishment cases. Two cases, *Ramseur* and *Biegenwald* were decided by the New Jersey Supreme Court in early 1987. Appellate briefs have been filed in nine other death penalty cases and are awaiting court action. Overall, Appellate Section attorneys are responsible for coordinating statewide implementation and application of the capital punishment statute and provide advice and assistance to county prosecutors during trials.

Significant Criminal Appeals

Kimmelman v. Morrison. The United States Supreme Court held that while a defendant is entitled to seek *habeas corpus* relief if trial counsel failed to move for suppression of evidence, the petitioner had failed to show that he had been prejudiced by his attorney's inaction.

Miller v. Fenton. On remand from the United States Supreme Court, the Third Circuit Court of Appeals held that defendant had not been subjected to improper coercive interrogation, thus ending 13 years of litigation in this murder prosecution.

State v. Gilmore. Appellate deputies appeared *amicus curiae* and the Supreme Court held that the preemptory challenges may not be employed in the jury selection process to discriminate and exclude jurors based on race.

State in the Interest of K.A.W. This significant decision held that in prosecutions for sexual abuse of children it is not necessary to allege and prove an exact date of the criminal act to satisfy a defendant's due process rights to fair notice of the charge.

State v. R.W. In another significant decision dealing with juvenile victims, the Supreme Court held that a juvenile witness did not need to undergo psychiatric examination to determine competency to testify merely because the child is very young.

State v. Bianco. The Supreme Court upheld the constitutionality of a court-initiated program designed to expedite the disposition of appellate matters solely raising issue with the propriety of the sentence.

State v. Grunow. In this murder prosecution, the Supreme Court ruled that the passion/provocation defense is not available to reduce aggravated manslaughter to manslaughter, but held that the trial court erred in placing the burden of proving passion/provocation on defendant.

Loigman v. Kimmelman. The Supreme Court set standards governing when a citizen/taxpayer is entitled access to government records relating to confidential investigatory funds.

State v. Tate. The defendant, a quadriplegic, claimed that marijuana was a necessity to treat his physical problems as a defense to a charge of possession of marijuana, but the Supreme Court held that there is no defense of medical necessity under New Jersey law.

State v. Gantt. The Supreme Court ruled that the state was not required to prove operability of a firearm in order for a defendant to be sentenced to a mandatory prison term under the Graves Act.

State v. D.R. The Appellate Division created a new "tender years" exception to the hearsay rule in another significant matter involving sexual abuse of a child.

State v. Novembrino. The Supreme Court rejected the "good faith" exception to excuse a violation of the Fourth Amendment which had been adopted by the United States Supreme Court.

Significant pending matters concern such issues as bail standards; standards for evaluating whether prison officials are entitled to qualified immunity in a civil rights action; the constitutionality of the diminished capacity defense; whether an armed robbery conviction can be based on an oral threat and gesture to use what appears to be a concealed weapon; and the admissibility of scientific evidence to discredit the results of breathalyzer testing by extrapolating the alcohol level at the time of the alleged violation.

Policy and Legislation

The Division actively promoted a number of major policy and legislative initiatives during 1986 involving narcotics violations and drug abuse issues, law enforcement training, the use of firearms and environmental laws. The Division and, in specific, the Policy and Legislation Unit are responsible for developing and coordinating a number of diverse projects involving policy issues affecting criminal justice and statewide law enforcement. The Policy and Legislation Unit monitors all pending legislation which could impact Division operations, county prosecutors, substantive or procedural criminal law, or police administration. This entails preparing legislative analyses and testifying before legislative committees. In addition, the unit routinely identifies problem areas in the criminal justice system and devises

Career Opportunities

Since its inception in 1970, the Division of Criminal Justice has become increasingly involved in every aspect of law enforcement and related activities. Currently the Division is involved in investigations and prosecutions, all New Jersey criminal appeals, research and analysis, a diversity of basic and advanced law enforcement training programs, coordination and general supervision of the 21 county prosecutors' offices, the dissemination of information on a variety of criminal justice issues and topics, and the development and promotion of legislative proposals.

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.

Most new attorneys who are recent graduates of law school are initially assigned to the Appellate Section. After 18 months, transfers to other Division sections may be requested. The Appellate Section responsibilities include prosecution of criminal appeals, participation in legal research, preparation of legislative comments and initiatives, provision of legal advice to the state prosecutorial community and publication of criminal justice articles and resource materials. The diversity of activities offers new attorneys a broad orientation and foundation to criminal law and procedure.

Other sections within the Division participate in litigation and investigative activities concentrating on casino control act violations, major fraud, environmental prosecutions, antitrust violations, fraud, waste and abuse in government programs and organized crime, racketeering and corruption. The newly-created Statewide Narcotics Task Force concentrates activities on drug violations, distribution and use. The newly-organized Law Enforcement Services Group provides a wide-range of services to law enforcement agencies statewide, including legal advisory assistance and research. Moreover, state investigator assignments within the Division are diverse and offer not only on-the-job experience, but also basic, advanced and specialized training.



Attorney General reviews drug statistics during hearings to expand activities addressing the state's drug problem.

innovative solutions to any litigation, policy or administrative problems which arise.

In 1986, the Division participated in several activities addressing the state's drug problem, including developing a comprehensive strategy to attack illegal drug distribution and use, participating in the Statewide Narcotics Task Force, and drafting legislation to revise and modernize New Jersey's drug laws. The Comprehensive Drug Reform Act, which was unanimously approved by both houses of the Legislature and signed by the Governor, incorporates all drug offenses into the New Jersey penal code, thereby ensuring more uniform, consistent and predictable sentencing practices. Also, the Division is drafting legislation to implement a statewide uniform policy governing the testing of law enforcement officers, applicants and trainees for unlawful drug use.

Other legislation, drafted by the Division and enacted during 1986, provides that property forfeited to the state is to be distributed among all law enforcement agencies which contributed to the forfeiture and further mandates that these proceeds be used for law enforcement purposes. The Special Law Enforcement Officers Act, drafted by the Division and adopted by the Legislature this year, marks the end of a decade of controversy over the role that special police officers occupy in this state's criminal justice system. The Act contains provisions which govern nearly all aspects of the appointment, training and assignment of New Jersey's 6,000 special law enforcement officers. The Division also played a key role in drafting portions of the recently

enacted tax amnesty law. This law provides for sterner criminal and civil sanctions against tax violators, and amends the general sentencing provisions of the New Jersey Code of Criminal Justice to deal more effectively with all "white collar" crime offenders.

The Division's Environmental Prosecutions Task Force drafted a comprehensive bill to modernize New Jersey's laws with respect to protecting the environment. The proposed bill, entitled The Environmental Pollution Control Act, is divided into two basic components. The first is a statutory scheme similar in format to New Jersey's racketeering law and is designed to provide a comprehensive means for dealing with and deterring the systematic pollution of the environment by commercial entities. The second facet of the proposed bill would be an amendment to the penal code to add a criminal sanction for the unlawful discharge of hazardous or toxic substances into the air, thus closing a loophole in this state's current criminal pollution laws. Together, the provisions of this bill would provide the Division with new tools with which to respond to the problem of purposeful and calculated attempts by certain commercial interests to evade our environmental laws on a continuing basis.

Other legislative projects include the drafting of bills or amendments concerning the sale and possession of nonmetal firearms; abuse of the elderly; the use of deadly force in the defense of persons and property; and statutes dealing with attempted murder and aggravated assault.



Attorney General testifying during public hearings on the need to enhance efforts to combat the drug problem.

Research

The Division's active involvement in research initiatives provides information and insight which contribute to a greater understanding of and improvements in law enforcement and the administration of criminal justice in New Jersey. Research efforts address current or emergent issues, provide documentation of present practices and procedures, and evaluate the effectiveness of existing programs. Examinations and assessments are made of existing proposed statutes, criminal justice practices and programs to determine their impact on and contribution to uniform and effective administration and enforcement of the criminal laws.

Research activities are diverse and concern a broad range of issues including statewide investigative activities and prosecution trends, prison overcrowding and criminal sentencing practices, and juvenile delinquency and prosecution. Specialized areas of research include capital punishment, electronic surveillance, hazardous waste crime, and drug and alcohol use among high school students. While legal and procedural issues involving state statutes or proposed legislation are specifically addressed by the Appellate Section and Policy and Legislation Unit, the Research and Evaluation Section is responsible for most research activities within the Division. The Police Services Section also participates in research activities, specifically dealing with police and law enforcement issues.

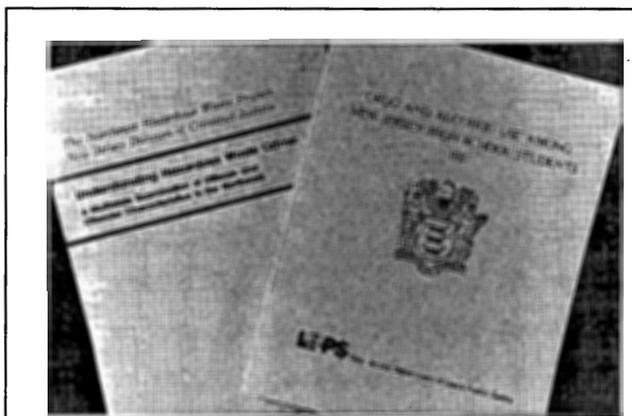
Significant research efforts completed during 1986 include the third administration of the drug and alcohol use survey to high school students, a police physical tasks survey and an assessment of the speedy trial project. Research reports issued during the past year address hazardous waste crime issues, the prison overcrowding problem, drug violations sentence outcomes, and the impact of proposed revisions to the Controlled Dangerous Substance Act on criminal sentences and the prison population. Ongoing research activities include maintenance of a capital defendant data base to analyze the application of the state's death penalty statute and statistical analyses involving statewide prosecution activities based on county prosecutors' annual report data and the Division's case disposition data.

The drug and alcohol survey, conducted for the third time in the fall of 1986, was administered to over 2,000 tenth, eleventh and twelfth grade students. The scientifically selected sample of 34 high

schools reflects the state high school student population as a whole. The 1986 survey, as those conducted previously, provides facts regarding the nature and extent of substance abuse among high school students and, more importantly, the means by which changes or trends in substance abuse patterns can be gauged. The findings reported were widely distributed nationally and within New Jersey and serve as a valuable resource for professionals involved in substance abuse education, prevention and treatment.

Information gathered through the police physical activity tasks survey is intended for use by the Police Training Commission to recommend refinements of training standards for physical conditioning programs. The comprehensive statistical analysis of physical activities performed by municipal police officers in the course of their official duties focused on the nature and occurrence of incidents requiring physical activity and the frequency of specific physical activities performed during such incidents. The interpretation of the study results reveals the types of physical activities typically performed by New Jersey patrol officers, the frequency of occurrence, some characteristics of the officers involved, and insight into relevant characteristics in cases where patrol officers encounter resistance.

The assessment of the speedy trial program addressed relevant issues regarding the impact of speedy trial on the quality of justice, including the affect on defendant representation, victim interests, case dispositions, workload volumes, and case processing time from arrest to disposition. Those surveyed included prosecutors, public defenders, private defense attorneys and judges throughout New Jersey.



Division publications depicting reports resulting from significant research projects.

Drug and Alcohol Use Among New Jersey High School Students

The survey and resulting report, *Drug and Alcohol Use Among New Jersey High School Students*, provides information and insight regarding the extent of substance abuse among high school students in New Jersey. The trends reported, along with changes in student attitudes and perceptions concerning drug and alcohol use, are important measures of the efforts to address problems of substance abuse.

The current report provides narrative information along with tables of detailed data and comparisons with findings from two earlier, similar surveys. Summary highlights of the survey data follow.

Declines in Alcohol and Marijuana Use

- The use of marijuana has declined appreciably since three years ago, continuing a trend first observed between 1980 and 1986.
- The use of alcohol has also declined significantly during the past three years, most notably regarding alcohol use in the past year.
- In addition, there was a substantial decline in the proportion of students reporting any use of a substance other than marijuana or alcohol.
- The 1986 survey registers a pronounced decline in the number of regular marijuana users and continues a downward trend in the proportion of students regularly using alcohol.

First Use

- Almost three-fourths of the students who have ever used marijuana report initial use prior to the tenth grade.
- For both alcohol and glue, two-thirds of those ever using report initial use by the time they have completed eighth grade.
- A majority of the students who have ever used hallucinogens, amphetamines, barbiturates or tranquilizers report initial use before entering the tenth grade.

Availability of Drugs

- Survey findings indicate that the more widely used substances, alcohol and marijuana, are readily available to virtually all of the students surveyed.
- About half of the students report that amphetamines, hallucinogens, tranquilizers and barbiturates would be "easy" or "very easy" to obtain, while three of every five students indicate the same to be true about cocaine.
- While declines in the perceived availability of barbiturates and marijuana are consistent with decreasing use between the 1983 and 1986 surveys, the use of cocaine has remained fairly stable although a significant increase in perceived availability is evident for that same time period.

Student Attitudes

- The proportion of students who perceive that regular use of marijuana entails a great risk of physical harm has increased from less than half in 1980 to more than two-thirds in 1986.
- Likewise, the proportion of students believing one or two drinks a day pose little or no risk of harm has declined from two-fifths in 1980 to less than one-fifth in 1986.
- While almost half of the students surveyed in 1980 thought regular marijuana use was very wrong, in 1986 almost three-fourths thought that to be the case.

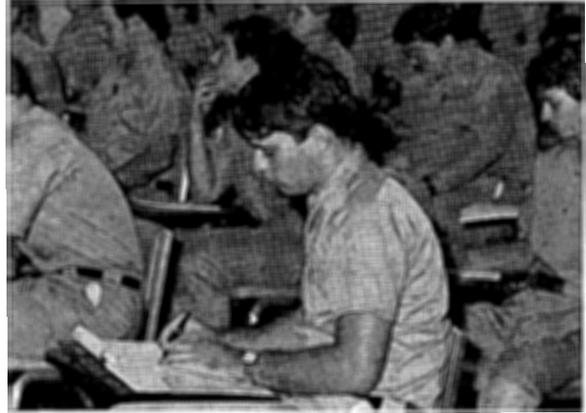
Training

In its commitment to maintain and enhance the professional excellence of the criminal justice system in New Jersey, the Division continually develops, promotes, and delivers training programs for members of the state law enforcement and criminal justice community. The design and implementation of these training programs is primarily the responsibility of the Training Section, with input and support from the entire Division, county prosecutors and local law enforcement agencies. The Police Training Commission (PTC) and Division's Police Services Section are also involved in efforts to improve the administration of local and county law enforcement through educational and training programs as well as higher standards of performance.

In addition to the 24 schools already approved by the PTC, during 1986 the Police Training Commission certified the Division of Criminal Justice Training Academy for law enforcement training. To conform with the PTC-required Performance Objective System of Training (POST), the Division's Academy revised all its instructional programs. PTC certification of training academies and courses is intended to ensure uniform and consistent quality among law enforcement training programs throughout the state. In addition, the establishment of a State Law Enforcement Training Academy has been recommended to the Governor by the Law Enforcement Training Academy Study Commission. The commission, in which the Division participates, recommended a state academy to provide a centralized setting for pre-service, in-service, advanced and specialized training for state criminal justice personnel.

Major Training Programs delivered during 1986 include:

- A biannual six-week basic training course for newly-hired state investigators and county prosecutors investigative personnel covering proper investigative techniques.
- The statutorily-required basic firearms course for Division of Criminal Justice and Department of Correction personnel.



Police recruits attending Police Training Commission basic training program.

- A two-week Methods of Instruction/Firearms Instructor Course emphasizing firearms safety.
- Basic and advanced arson investigation training courses for police and fire personnel responsible for investigating and prosecuting arson.
- In-service training covering topics such as arrest law and procedure, interrogation techniques, and rules of evidence.
- A basic prosecution course focusing on the function and structure of the criminal justice system.

Additionally, the Division, through the Training Section, coordinates and conducts seminars on legal research, computer fraud investigations, financial crimes, and electronic surveillance techniques and procedures.



Chief of Staff Holl addressing county prosecutors' secretaries during annual seminar.

Other significant training activities concern hazardous waste investigations and prosecutorial issues. Training programs sponsored by the Northeast Hazardous Waste Project covered topics such as infectious waste disposal regulations, the use of computers in hazardous waste investigations and problems of waste oil. The Northeast Project, as in past years, conducted basic and advanced courses for criminal and environmental enforcement officers, scientists, attorneys and investigators in the northeast area, as well as specialized topics including site mitigation, aerial photography, and legislative issues. In addition, the Northeast Project sponsored its first Environmental Regulatory Inspectors Training Course in New Jersey and, with the Federal Law Enforcement Training Center, co-sponsored an Advanced Hazardous Waste Investigative Training Program in Georgia.

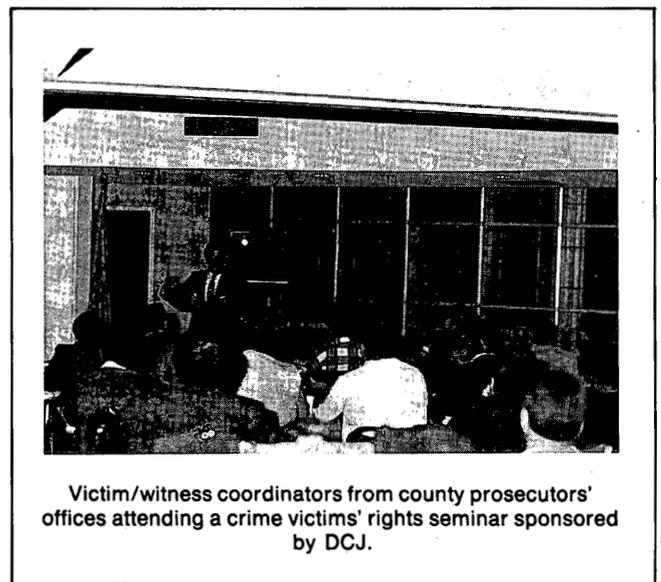
county prosecutors' detectives, deputy sheriffs, county park rangers, and arson investigators. In response to requests from the law enforcement community, the PTC is also preparing training courses, manuals and materials on police management and administration. In compliance with the newly-legislated Special Law Enforcement Officers Act, basic course curriculums and training standards were developed during 1986 for both Class One and Class Two special law enforcement officers. In addition, a seminar on the functions and duties of special officers was provided for municipal police chiefs and the League of Municipalities.

During 1986, implementation of the Performance Objective System of Training (POST) was complete in all PTC-approved schools. The POST program, which relates specific training lessons to the activities and tasks performed in the field, will be used statewide as the compulsory basic police training program for all newly-appointed police recruits. In conjunction with other efforts to improve police services through training activities, the PTC undertook a comprehensive survey of municipal police to determine the nature and types of physical activities performed during the course of official duties. The survey analysis will be used to refine training guidelines and police physical conditioning programs.



Another specialized area of training involves victim/witness issues. During 1986, the State Office of Victim/Witness Advocacy conducted a crime victims' rights seminar. In addition, a victim services curriculum was developed for the prosecuting attorneys training program.

The Police Training Commission, through the Division's Police Services Section, develops and administers courses for New Jersey law enforcement officers. In addition to the compulsory basic training program for newly-appointed police officers, the PTC administers courses specifically designed for



Administrative Functions and Records Management

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

Division fiscal responsibilities include implementation of the \$17.1 million budget for fiscal year 1987 and preparation of the \$25.5 million budget for 1988, 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 totaling \$2.3 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 Administrative Section supervises the State Grand Jury budget and reimbursements from the New Jersey Department of Labor, the Department of Human Services and the Division of Gaming Enforcement.

In 1986 the Administrative Section participated in a departmental office automation committee to devise a strategy for determining and acquiring computer equipment to accommodate office automation needs within the department as well as individual divisions. In conjunction with this, a study was conducted to examine the present state of automation and plan for future needs.

The Information and Records Management Section is responsible for maintaining the master index of all matters previously and currently under review by the Division of Criminal Justice. Utilizing a computerized monitoring system, the section also maintains control of and continues to produce lists of pending cases and case status information utilized by other sections within the Division. In 1986 the



Systems analyst maintaining personal computer equipment used in Division automation and data processing activities.

Information and Records Management Section processed over 3,000 new criminal justice matters. Moreover, all active and pending cases were backloaded into the computerized tracking system, thus enabling full access by early 1987.

The Information and Records Management Section also serves as the Attorney General's representative in screening all complaints of a criminal nature addressed to the Governor, Attorney General or other state agencies. In 1986, over 3,000 such matters were handled through this section.

Other duties and responsibilities of this section include: fugitive tracking, issuance of investigative and surveillance equipment; coordination of records retention, destruction and microfilming; provision of indictment and conviction notification to concerned licensing and regulatory agencies; maintenance of criminal investigation evidence; and completion of employee background investigations for this Division, the Office of the Attorney General, the Division of Law and county prosecutors.

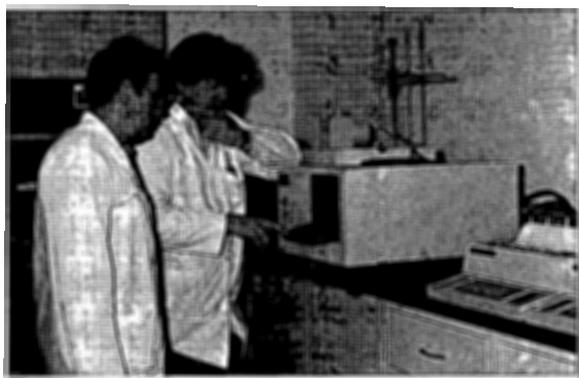
The Division overall has continued to expand its use of automation to assist in management and daily operations. In addition to the centralized case management system, specialized computerized information management systems are being developed for sections throughout the Division, including the Appellate Section and various investigative sections. Moreover, a system to maintain, track and update training records for Division investigative personnel was developed and implemented in 1986. Personal computers are used throughout the Division to automate individual case records, investigative data, and section files as well as to conduct various analyses and generate project reports.

Forensic Science

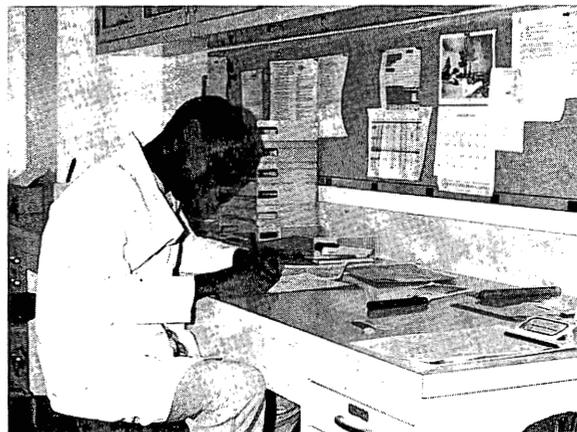
As the hub of the state medical examiner's system, the Office of the State Medical Examiner is responsible for the medical investigation of all known or suspected homicides, suicides, accidental, suspicious or unusual deaths. The office also monitors health situations which threaten public safety and 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 of county medical examiner's offices. As a result, at some time during 1986, the state office superseded operations in Essex, Gloucester, and Hudson Counties and for a short time in Sussex County.

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.

The implementation of revised rules and regulations over the past few years, along with revised standards and procedures and availability of mod-



Medical technologist and forensic toxicologist reviewing results of toxicological analysis.



Office of the State Medical Examiner forensic pathologist preparing pathology report.

ern facilities, greatly improved the quality of medical examiner services throughout New Jersey. Legislative initiatives developed in past years have contributed to further improvements. Through such measures, the responsibilities of the state medical examiner have been clarified and remedial measures have been established to address supersession and backlog issues, facilitating more efficient management overall of both state and county medical examiner services.

During 1986 a computerized Laboratory Information Management System (LIMS), consisting of two mini-mainframe computers, was installed. Upon completion of customizing the software, the system will be fully operational. The LIMS package is the first step towards total computerization of the state medical examiner's office. Another major advancement was the acquisition of the Scanning Electron Microscope. Its image enhancements will greatly assist in qualitative analysis. Along with the purchase of upgraded equipment, the state medical examiner's office was able to enhance operations with the addition of physicians, laboratory technicians and clerical staff.

Additional functions of the state medical examiner include the completion of toxicology examinations and autopsies. Over the past year the state medical examiner investigated a total of 6,369 deaths, posting 750 cases and viewing 450 cases. In addition, the state medical examiner's staff reviewed 3,249 county autopsies and 16,691 county investigations and completed 3,979 toxicology examinations.

Statistical Summary and Supplemental Information

Organization

The Division of Criminal Justice staff consists of deputy attorneys general, investigators, professional and clerical personnel. The approximately 480 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 White Collar Crime Bureau, Environmental Prosecutions Task Force, Organized Crime Racketeering Task Force, Statewide Narcotics Task Force, Operations Bureau, and the Administration Bureau.

The White Collar Crime Bureau is responsible for criminal investigations and prosecutions in the areas of casino gaming related matters, economic crime and fraud, and institutional abuse.

The Environmental Prosecutions Task Force is primarily responsible for 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 Organized Crime Racketeering Bureau, created from the former Special Prosecutions Task Force, was established as part of a re-organization intended to enhance the state's ability to prosecute organized crime. In addition to criminal investigations and prosecutions, a new initiative involves the development of civil cases and forfeiture actions under the state's racketeering (RICO) act. Provisions within the RICO Act are designed to facilitate seizure of property and assets, acquired or developed as a result of organized criminal activity.

The Statewide Narcotics Task Force is responsible for a comprehensive program that is aimed at both the supply or distribution and trafficking of illegal drugs and the demand or use of drugs and alcohol by citizens. The Task Force is coordinating public awareness, prevention, intervention and treatment programs, as well as enhancing and integrating law enforcement resources statewide.

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 and law enforcement/criminal justice legislative initiatives are responsibilities of the bureau. This bureau also provides technical, managerial, training, information and research assistance to the statewide law enforcement structure.

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

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/Program Integrity.* The Antitrust/Program Integrity Section exercises the Attorney General's duty to prosecute and prevent unreasonable restraint of trade. Pursuant to statutory authority, this section has sole responsibility for antitrust enforcement activities and prosecutions within the state. This section also investigates fraudulent misapplications of public funds in government programs and analyzes the underlying causes of such conduct and related problems.
- *Appellate Section.* Appellate Section responsibilities include the prosecution of most criminal appeals from both 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.
- **Institutional Abuse Unit.** The Institutional Abuse Unit investigates and prosecutes incidents of child abuse which occur in institutional settings such as day-care centers, detention and youth facilities, day camps, residential centers and group homes.
- **Litigation Section.** This section is responsible for the trial preparation and prosecution of the majority of indictments emanating from the State Grand Jury. In addition, the section is responsible for the disposition of all matters involving apparent or actual conflicts of interest in which the Attorney General has superseded a county prosecutor's office.
- **Major Fraud Section.** The Major Fraud Section specializes in the investigation of white collar crime activity including insurance fraud, embezzlement, public contract fraud, frauds against private sector operations, and frauds against the state or which involve state agencies.
- **Medicaid Fraud Section.** The Medicaid Fraud Section investigates and prosecutes fraud committed by health-care providers in the federal/state-funded medicaid programs and neglect or abuse of patients in medicaid-funded facilities.
- **Northeast Hazardous Waste Project.** The Northeast Project, administered by the Division, is a federally-funded, multi-state program aimed at the illegal transportation, storage and disposal of toxic or hazardous waste. The project provides training, information, and technical assistance to the 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 Services Section.** The Police Services Section, on behalf of the Police Training Commission, performs those functions necessary to achieve higher standards of police performance. Responsibilities include the development of training standards and certification of training curriculums, instructors and academies.
- **Police Training Commission.** This legislatively created commission is responsible for administering the statutory provisions of the Police Training Act to improve the administration of local and county law enforcement through education, training and higher standards of efficiency.
- **Policy and Legislation Unit.** The primary responsibility of this unit is to represent the interests of the Attorney General and the criminal justice system in all legislative matters affecting the criminal justice system. In addition, the unit participates in projects which address litigation, policy or administrative problems within the Division.
- **PROMIS/GAVEL Project.** The PROMIS/GAVEL Project is a joint venture of the Division of Criminal Justice and the Administrative Office of the Courts to introduce a computerized information and management system to county prosecutors' offices and trial courts throughout New Jersey. The system is used to track cases, schedule hearings, produce trial court calendars, provide subpoenas and witness lists, and prepare statistical and analytical reports.
- **Prosecutors Supervisory Section.** The Prosecutors Supervisory Section acts as the primary liaison between the Attorney General and county prosecutors and reviews complaints against prosecutors and their staffs. In addition, the section reviews and refers for the Attorney General's approval petitions for witness immunity sought by county prosecutors and coordinates a statewide victim/witness program.
- **Research and Evaluation Section.** The Research and Evaluation Section responsibilities include research involving criminal justice issues and concerns, evaluation projects focusing on specific criminal justice programs and activities, and active participation in task force groups, contributing analytic, research or evaluation skills as needed.
- **RICO Unit.** The Civil Rico Unit was formed to implement the provisions of New Jersey's racketeering statute (*N.J.S.A. 2C:41-1 et seq.*) involving civil actions and remedies.
- **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 Division personnel, prosecutors' staffs, and other county and local law enforcement personnel.
- **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 1986**

SECTION/UNIT/TASK FORCE	TOTAL DEFENDANTS DISPOSED	CONVICTIONS	PTI/ CONDITIONAL DISCHARGES	DISMISSALS	ACQUITTALS
Antitrust, Program Integrity, Solid Waste	16	8	2	6	-
Casino Prosecutions	207	128	68	6	5
Environmental Prosecutions	14	11	1	2	-
Institutional Abuse	9	6	-	2	1
Litigation, SGJ Trial	103 71	80 55	8 6	1 -	14 10
Major Fraud	29	29	-	-	-
Medicaid Fraud	31	28	-	3	-
Organized Crime Racketeering	31	26	2	3	-
Tax Evasion	5	2	-	3	-
Unemployment Fraud	1	-	1	-	-
DIVISION TOTAL	517	373	88	26	30

**MONIES ASSESSED AS A RESULT OF DIVISION
PROSECUTION ACTIVITIES 1986**

SECTION/UNIT/TASK FORCE	CRIMINAL FINES/ COSTS	RESTITUTION	VCCB PENALTIES	CIVIL (PENALTIES) LIABILITIES	ANTITRUST SETTLEMENT AWARDS
Antitrust, Program Integrity, Solid Waste	165,860	53,950	375	539,500	25,000
Casino Prosecutions	315,245	202,011	4,475	-	-
Environmental Prosecutions	141,200	18,704	25	-	-
Institutional Abuse	500	-	145	-	-
Litigation	69,316	36,321	2,000	-	-
Major Fraud	254,022	-	1,150	-	-
Medicaid Fraud	76,350	278,186	430	-	-
Organized Crime Racketeering	38,100	750,000	500	-	-
Tax Evasion	17,500	110,892	-	17,233	-
Unemployment Fraud	150,910	2,349,841	4,010	-	-
DIVISION TOTAL	\$1,229,003	\$3,799,905	\$13,110	\$556,733	\$25,000

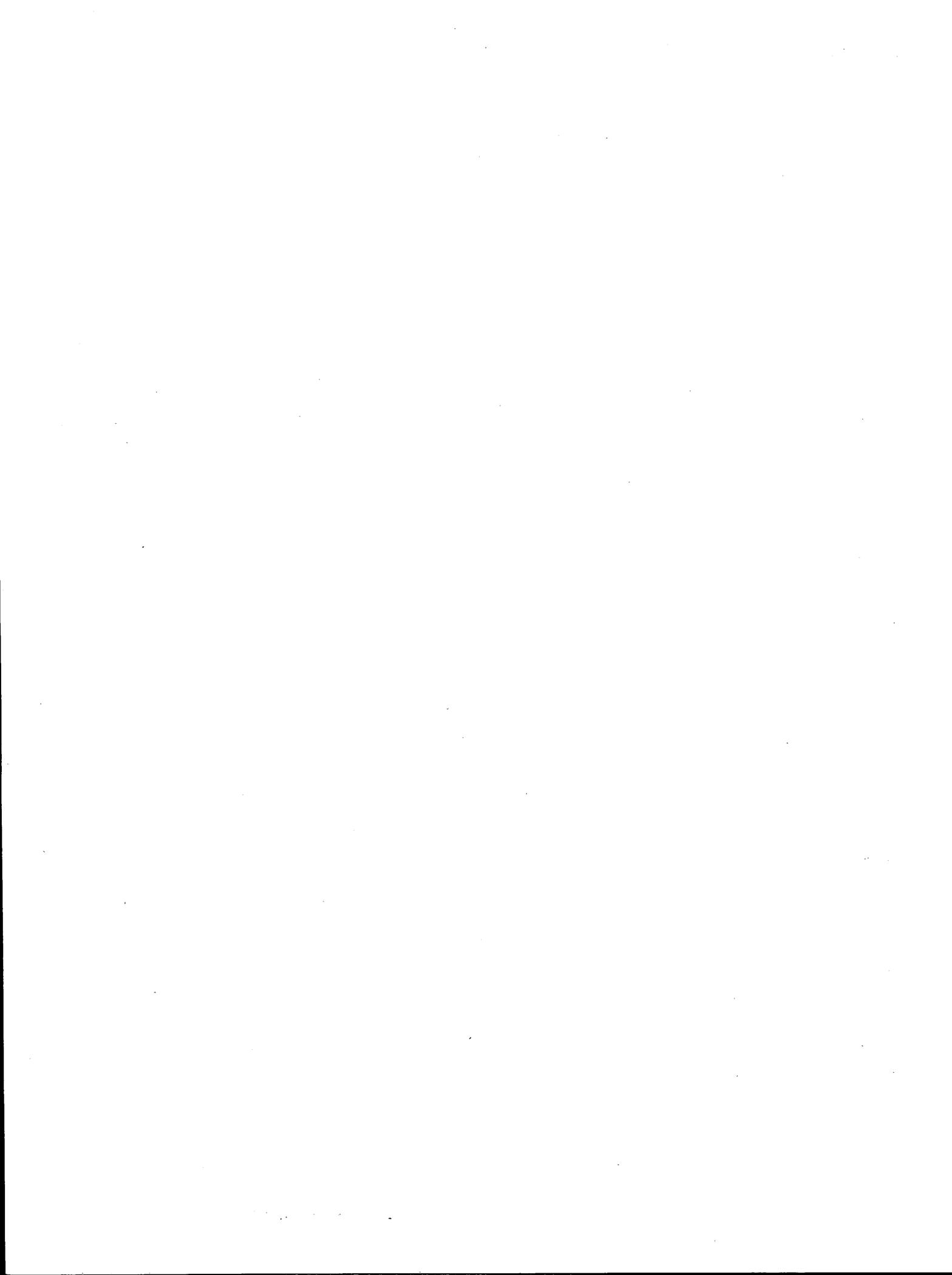
TOTAL \$5,623,751

**DIVISION OF CRIMINAL JUSTICE
STATISTICAL SUMMARY
1986**

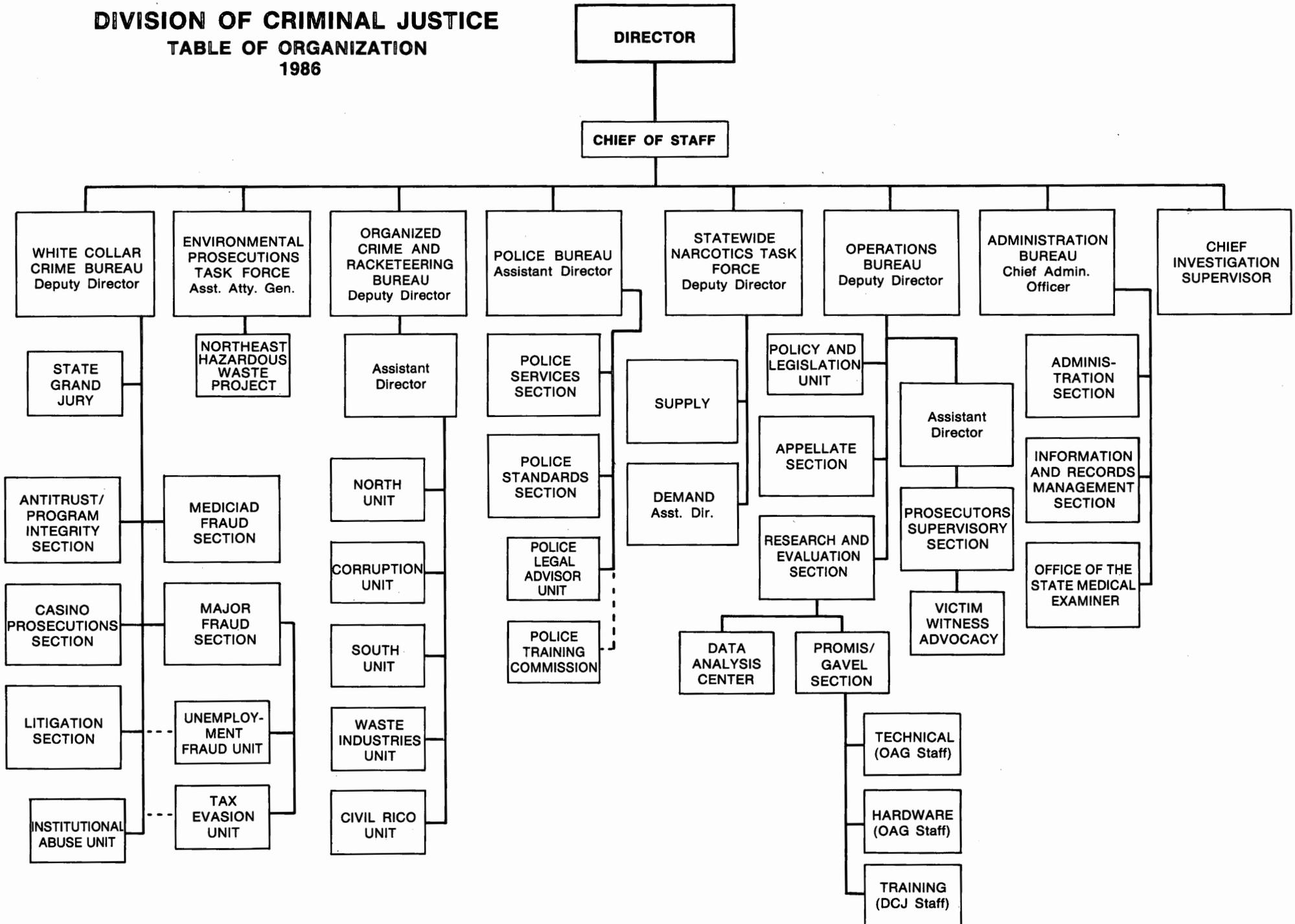
	Investigations/Cases	
	Opened	Closed
INVESTIGATIONS BUREAU		
Antitrust/Program Integrity/ Solid Waste	72	64
Casino Prosecutions	381	431
Institutional Abuse	175	110
Litigation		
State Grand Jury	322	173
Trial Section	223	95
Major Fraud	226	192
Medicaid Fraud	75	53
Tax Evasion	16	5
Unemployment Fraud	106	140
Total	1,596	1,263
ENVIRONMENTAL PROSECUTIONS TASK FORCE		
	94	70
ORGANIZED CRIME RACKETEERING TASK FORCE		
	127	114
ELECTRONIC SURVEILLANCE		
Court Authorized		49
Consensuals		38
STATE GRAND JURY ACTIVITIES		
Indictments/Accusations		109
Defendants Charged by Indictment or Accusation		178
COUNTY GRAND JURY ACTIVITIES		
Indictments/Accusations		120
Defendants Charged by Indictment or Accusation		151
TOTAL GRAND JURY ACTIVITIES		
Indictments/Accusations		229
Defendants Charged by Indictment or Accusation		329

OPERATIONS BUREAU

Appellate Activities	
Appeals Opened	2,145
Appeals Closed	1,866
Briefs Filed	1,434
Legislative Activities	
Initiatives/Comments	237
Prosecutors Supervisory	
Prosecutors Advisories	158
Citizen Complaints Received	238
Witness Immunity Petitions (County)	37
Research and Evaluation Section	
Projects Completed	16
Information Research/Internal Analysis	16
Long-Term Projects	4
Training	
Training Courses/Projects Completed	37
Police Services Section/Police Training Commission	
Basic Course Trainees	6,148
Programs	135
Office of the State Medical Examiner	
Autopsies Performed	708
County Autopsies Reviewed	2,987
Toxicology Cases	3,675
Investigations	14,198
ADMINISTRATION BUREAU	
Administrative Section	
Personnel	
New Employees	25
Employees Terminated	24
Applications	724
Information and Records Management Section	
Cases Opened	3,025
Complaint Investigations	1,539
Background Investigations	625



DIVISION OF CRIMINAL JUSTICE
TABLE OF ORGANIZATION
1986

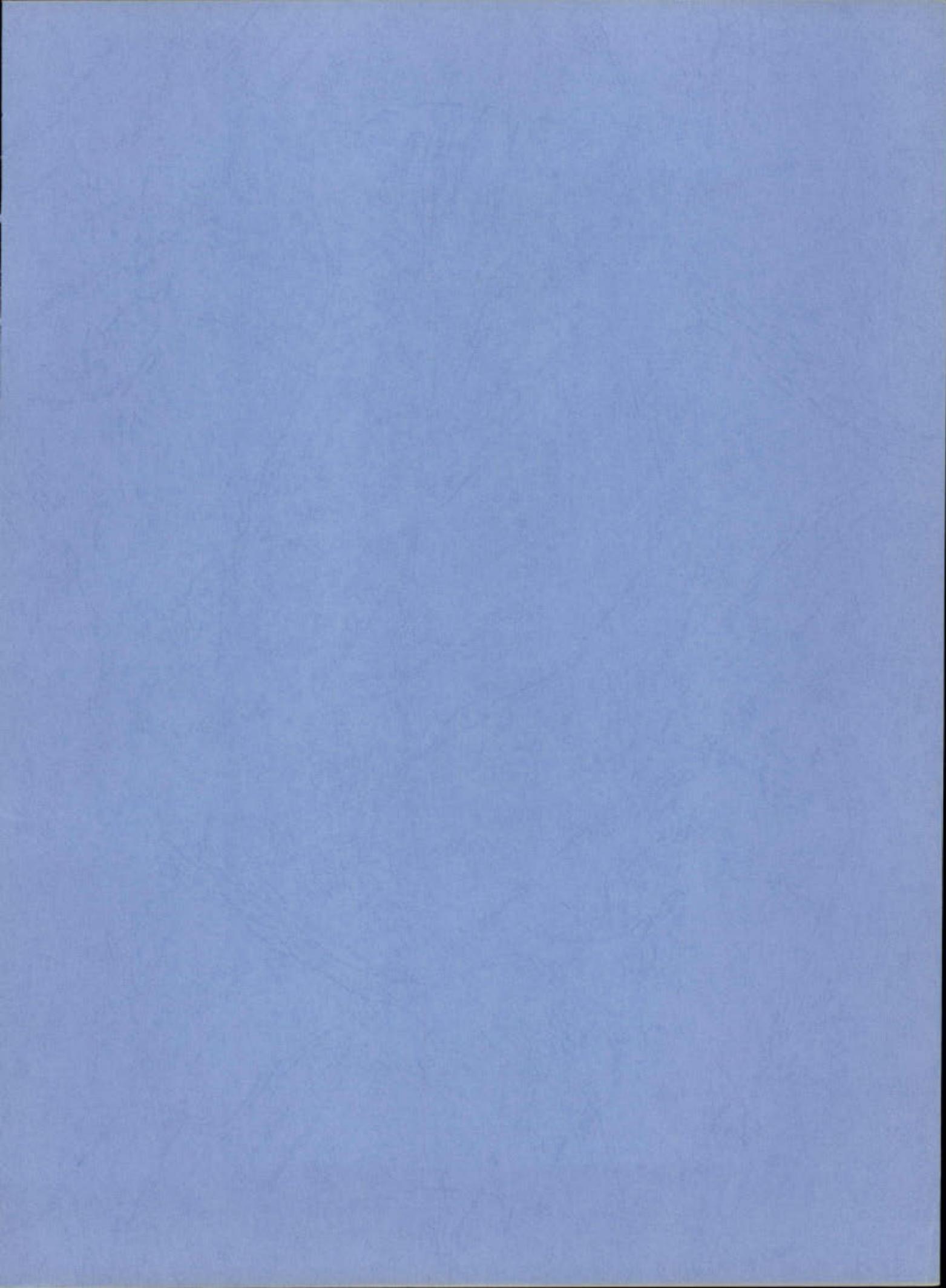


Published by
Division of Criminal Justice

John G. Holl, *Chief of Staff*
Ronald D. Sost, *Chief Administrative Officer*

Dennis Brookshire
Nora Flanagan
Steven McGettigan
Raymond Shaffer
Joseph Trapp
Judy Wheat

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





**Division of Criminal Justice
25 Market Street, CN 085
Trenton, NJ 08625-0085**

**BULK RATE
U.S. POSTAGE
PAID
Trenton, New Jersey
Permit #21**