



# THE NEWSLETTER

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## Message From The Prosecutor



Thomas V. Manahan

As we embark upon this new century, law enforcement continues to face significant challenges, not the least of which is the investigation and prosecution of individuals responsible for committing crimes through the use of computers. Today, the same electronic marketplace that offers members of the public unprecedented access to a global market also presents the

challenge for law enforcement to ensure that this marketplace is safe and secure.

In order to meet this challenge, law enforcement must recognize that computers are utilized in a variety of roles to facilitate crime. Each of these roles raises novel investigative and prosecutorial issues, thus making it of particular concern to law enforcement administrators that those engaged in the detection and apprehension of computer criminals receive appropriate training. Also, since computer crime renders conventional law enforcement boundaries virtually meaningless, emphasis must be placed, as well, on effective coordination of effort. Absent such meaningful coordination, law enforcement agencies are likely to conduct redundant investigations or disrupt undercover operations of other agencies.

It is for these reasons, among others, that the Union County Police Chiefs and I have agreed to establish the High Tech Task Force ("Task Force"). The principal goal of the Task Force will be to coordinate the efforts of Union County law enforcement to protect our citizens against "on-line outlaws" who engage in a variety of criminal activity including: illegal sales of guns and controlled dangerous substances, promotion of

gambling, Internet fraud, cyberstalking, pornography and child sexual exploitation. In this venture, the Task Force will apply time-tested investigative techniques to the realm of cyberspace in order to better detect, arrest and prosecute those involved in the illegitimate utilization of computers. The Task Force will also participate in the education of our citizens to prevent or minimize the risk of their victimization.

Education efforts have already commenced principally through the efforts of our Special Prosecutions Unit. On various dates in February and March, school officials and members of law enforcement were provided with training at the John H. Stamler Police Academy by Detective Andre Banks in order that they could both better recognize the dangers posed by the Internet and better protect our children. It is anticipated that members of the Task Force, through speaking engagements, media advisories and public service announcements, will alert the general public about the danger posed by cyber criminals including those who seek to steal identities. This educational effort stems from a September 1998 symposium on the subject of Identity Theft. Since that time, members of law enforcement have distributed over one thousand Identity Theft booklets developed by the Office.

The commitment by Union County law enforcement to this effort is in recognition that computer crime is pervasive, transcends traditional jurisdictional boundaries and, unless effectively deterred, will adversely impact the quality of life of all our citizens. Such a commitment is law enforcement's duty. Anything less would be unacceptable.

Thomas V. Manahan

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## ***Something Old, Something New: Introducing the Union County Sexual Assault Response Team***

***By Assistant Prosecutor John G. Esmerado***

On April 16, 2001, the treatment of rape survivors will be radically altered. On that date, the Union County Prosecutor's Office in conjunction with the Union County Rape Crisis Center, the Union County Sexual Assault Nurse Examiner's Program (SANE), the twenty-one municipal police chiefs and police departments, the Union County Police, Trinitas Hospital, Muhlenberg Hospital and Overlook Hospital will begin working as the Union County Sexual Assault Response Team (SART). The purposes of this team are to streamline all services to rape survivors, to empower survivors to make choices about their treatment, to reduce long waits at the emergency room and eliminate duplicative interviews by the police, rape crisis and hospital staff.

For over a decade, police, rape crisis staff and nurse examiners have been working together in Texas, Minnesota, Tennessee and New York. In 1995, a model program was created in Monmouth County, New Jersey. In 1998, the New Jersey Attorney General's Office published standards to aid and foster the creation of sexual assault response teams in all twenty-one counties. The essential purpose of the program is to ensure that sexual assault victims are supported through the investigation and the forensic exam by specially trained professionals. These professionals will be the rape crisis advocate, the municipal police detective, and a sexual assault nurse examiner (SANE). The nurse examiner will replace the emergency room doctor in this process. It will be the nurse examiner's function to perform the medical interview of the victim and complete all aspects of the rape kit. This specially trained nurse examiner will be able to perform all elements of the medical exam with an increased sensitivity to the victim's needs and comforts. In addition, having a rotating list of on-call nurses 365 days a year with twenty four hour/seven day coverage eliminates the potential for an interminable emergency room wait.

SART services will be made available for victims who are thirteen and over and have experienced a sexual assault in the last five days.

The SANE exam will dramatically differ from the current rape exam in the following areas. First, victims will be allowed to choose which participants of the team to activate. Regardless of whether a victim initially reports to the police, the Rape Crisis Center or the hospital, each victim will receive a brief overview of the Sexual Assault Response Team (SART). He or she will be told of the availability of specially trained staff. This staff includes a police detective to begin and complete the criminal investigation, a rape crisis advocate to provide a human presence and emotional support, and a specially trained nurse to complete a medical examination. A victim may choose just the nurse or any other combination of the three participants. Once the victim makes a choice as to who to call, the local dispatcher will contact a desk supervisor who in turn will call out the local police detective. The local dispatcher will also contact the County Police dispatcher. The County Police will be responsible for contacting the on-call rape crisis advocate and the nurse examiner. Local police will transport the victim to one of three designated participating hospital exam sites: Trinitas Hospital, Muhlenberg Hospital or Overlook Hospital. A victim will be offered the hospital site closest to the municipality from which he or she reports. Once at the hospital, the police officer will inform the triage or charge nurse of the presence of a sexual assault victim. The goal of the program is to have each participant at the hospital within forty-five minutes.

If no other members of the team have arrived, the emergency room doctor will complete a brief medical screen to check vital signs and for serious injury requiring immediate attention. Upon his or her arrival, the municipal detective will relieve the patrol officer. The rape crisis counselor should be afforded a brief private interview with the victim. The detective, the rape crisis advocate and the nurse examiner, if they have not already done so, will then walk to a specially designated waiting room and exam room. A joint oral interview will take place. The nurse examiner will begin the rape kit exam using the new rape kit. All police departments should pick up and have in stock the new rape kit made by Sirchie. The new kits are available at the Prosecutor's Office Laboratory. If the victim desires the presence of the rape crisis advocate and/or the detective during the examination, they also will be present. If the victim does not desire the presence of either or both, the rape crisis advocate and/or detective will wait in an adjacent area until the examination is completed.

Once the exam is complete, the municipal detective will assume chain of custody of any samples. The municipal detective, with the consent of the victim, will take the victim back to headquarters for a sworn statement. The rape crisis advocate may be present during the written statement. *(continued on next page)*

*Union County Sexual Assault Response Team -- CONTINUED*

If the rape crisis advocate is present, the advocate's name along with the Rape Crisis Center address should be placed on the front page of the statement under the heading "Statement in the Presence of...". At the end of both the medical exam and the formal statement, victims will be given an anonymous post card to report any positive or negative experiences during the process.

Second, state of the art gynecological equipment will be used. The Union County Prosecutor's Office in September 1999 secured a \$94,000 grant to train and pay for the on-call nurses and to purchase a colposcope. The colposcope allows the nurse examiner to digitally photograph bruises and wounds to the labia, vagina and cervix.

Third, the Sexual Assault Response Team Advisory Board which includes the Prosecutor's Office, the Nurse Examiner Coordinator, the Rape Crisis Director, representatives of the hospitals, the Attorney General's Office, the New Jersey Division on Women and a local police chief will meet monthly to review the course of treatment for each victim.

To facilitate training on this topic, a Roll Call video will be released in April 2001. In addition, all municipal police detectives investigating sexual assaults were asked to attend a three-hour training session on either March 12, 23 or April 2, 12, 2001 from 9 a.m. to 12 p.m., or 6:30 p.m. to 9:30 p.m. on March 27, 2001 at the John H. Stamler Police Academy.

As an assistant prosecutor, I personally have been working on this program for two years. I believe that this program is important and necessary to Union County. The protection and aid of crime victims is one of the principal reasons for the existence of our unit.

Please help us to make this vital program a success. If you have any ideas on how to improve this process, please call me at (908) 965-3878.

***Seizures of Property: Keep It Simple!***

*By Sergeant Edgardo Ortiz, UCPO, Custodian of Evidence*

During the execution of search warrants, evidence related to the crime in question should only be seized. Do not seize items if the items are not prima facie contraband, supportive of the charge(s) or if the items are not going to be forfeited.

Prima facie contraband is defined as property (evidence) subject to forfeiture, that is, possessed illegally, controlled dangerous substances, firearms, property used in the furtherance of unlawful activity, e.g., vehicles used to smuggle contraband, or, if it is the proceeds of illegal activity, e.g., currency/assets earned by drug transactions. Property will be held as evidence pending the adjudication of the case. Upon completion of the case, this property will be forfeited automatically to the law enforcement agency that seized it without the necessity of court process. This property shall be destroyed if it can serve no lawful purpose or if it presents a danger to the public health, safety or welfare.

This office frequently encounters evidence that has been seized without clear justification or the need to do so. Agencies have submitted large safes, various containers, gold jewelry, stock certificates, savings bonds, computers, sound and audio equipment, and other large, assorted items that have no relationship to the crime being investigated. Simply stated, if items being considered for seizure are not classified as prima facie contraband and are not going to be forfeited pursuant to Chapter 64 of the Code, then officers should not seize the property.

This office has noticed that many of the evidence seizures that raise questions, as described above, come from cases involving narcotics and gambling. Often, during the execution of search warrants, officers discover contraband such as narcotics, weapons, drug records, gambling records and U.S. currency mixed in with other valuables inside of safes, dresser drawers and other similar containers. All too often, the safe, dresser drawer, etc. containing the contraband, as well as the non-contraband, are seized and ultimately submitted to the custodian of evidence. This creates a number of problems for the custodian of evidence and the law enforcement agency.

Large items such as safes, drawers, sound and video systems occupy valuable, and limited, space inside an evidence vault. Bulky items add to the often overcrowded conditions of an agency's vault. Items submitted to an agency's evidence vault system will occupy space in that vault system, frequently for years, until the case is completed, appeals exhausted, etc. If the items submitted are not determined to be *(continued on next page)*

***Seizures of Property: Keep It Simple -- CONTINUED***

evidence prima facie contraband and/or if the evidence is not slated to be processed for forfeiture, then the evidence has to be either returned or destroyed upon completion of the case. The responsibilities facing the evidence custodian at this stage are significant. Since the evidence custodian is unfamiliar with the facts of each case, a review of the facts of the case, in essence another review of the file, must be undertaken in order to dispose of the evidence/property properly.

Additionally, if application has not been made to forfeit the property within ninety days and the evidence seized is not classified as prima facie contraband, then the custodian of evidence has to make an effort to identify and contact the owner of the property to arrange for its return. This can sometimes be a daunting task. In the event that the evidence custodian is unable to identify/locate the rightful owner and the property has monetary value, such as jewelry, stock certificates, etc., the custodian of evidence is precluded from destroying the items and must maintain custody of the items for approximately three years after a notice to return the items has been made. After that period of time, the property can then be classified as abandoned property and auctioned/sold by the agency. The proceeds of that auction/sale can then be assigned to the agency's law enforcement trust fund. Law enforcement trust fund assets can then be utilized for law enforcement purposes. As can be seen, a significant amount of an agency's resources is spent in this process.

A significant reduction in wasted resources can be realized if the seizing officers exercise good judgement and employ sound investigative and evidence gathering techniques. For example, if contraband is found along with other non-contraband items in a container such as a safe, dresser drawer etc., and the officers have no cause to seize the container or the container's other contents as property, then the officers should photograph the entire container with all of its contents, and seize the contraband and leave the other items at the scene. The investigating officers should document this action in their reports and submit the contraband, as well as their photographs, as evidence. A drawing which shows where each item was found is also helpful.

In the event that investigating officers suspect that items found along with contraband are proceeds or assets derived from illegal activity, then the officers should identify the items as such. They should attempt to interview any individuals at the scene to ascertain the ownership of the property in question. In order to provide the seizing agency with as much information as possible that may be used by that agency for investigative/forfeiture purposes, officers at the scene should also attempt to obtain a statement from witnesses or defendant(s). The statement should try to specify how the property was obtained, determine employment and income information, identify bank accounts or other assets that are derived from the illegal activity. These basic investigative steps will go a long way in making the entire process of seizure, processing, storing, return, destruction and/or forfeiture a more efficient one.

This article is not meant to be a complete primer on the gathering, securing and processing of evidence. It is meant to call attention to a matter that, if not handled properly at the time of the seizure, wastes limited resources, can raise questions as to the purpose of seizing such items and can compromise an investigation and prosecution. A significant reduction in wasted resources can be realized if the seizing officers exercise good judgement and employ sound investigative and evidence gathering techniques.

"Thoughts and actions are the major ingredients  
in some of the miracles of life."

Peter Zafra



## **Union County Crime Stoppers**

**Crime Doesn't Pay, But We Do!**

**Up to \$5,000 for information leading to  
arrest and indictment of criminals**

**Call 908-654-TIPS (908-654-8477)**

## *Seizure of Drugs in Passenger's Shoe Following Questioning Without Miranda Warnings*

*By Assistant Prosecutor Peter A. McCord*

Can law enforcement expect to survive a motion to suppress for confiscating drugs from the shoe of a passenger who incriminates himself following a traffic stop for a motor vehicle violation? Will we survive such a motion even if the officer fails to issue *Miranda* warnings and the passenger gives an incriminating response to a question asked by the officer?

In *State v. Hickman*, a decision handed down in December, 2000, an Appellate Division Court answered with a cautious "yes."

In a recent edition of *The Newsletter* (Volume 3, Number 4, October 2000), the issue of what type of questions a police officer may ask a driver and passengers of a legally stopped vehicle and how such questions might infringe on Fourth Amendment rights against unreasonable search and seizure was discussed with respect to the decision in *State v. Chapman and Velez*, decided by the Appellate Division in June 2000. In *Chapman and Velez*, the Court held that a trooper's initial questions relating to the nature and purpose of the trip and where the driver and passengers were coming from, as well as the relationship of the parties, were related to the reason for the stop which involved observations of erratic driving by the operator, Chapman. In its ruling, the Court held that the trooper was "duty bound" to make inquiry and to determine whether or not one of the passengers could safely and legally operate the vehicle in view of the driver's admission to being tired and unlicensed.

With respect to such questioning, the Court in *Chapman and Velez* found that the trooper's 45 minute detention was sufficiently limited in scope so as to be in accordance with *Terry v. Ohio*, 392 U.S. 1 (1968), since this time was necessary for checking the status of the licenses through computer resources.

But what if, as was not the case in *Chapman and Velez*, an occupant of a vehicle stopped for a motor vehicle violation incriminates himself, particularly if the questioning during the stop is not related to the purpose of the stop?

In the more recent *Hickman* decision, which involves a Westfield Borough (Gloucester County) police officer's stop of an unlicensed driver following information received by the officer relative to the driver's status, the appellate court was dealing not only with the Fourth Amendment issues previously decided in *Chapman and Velez*, but also with Fifth Amendment (*Miranda*) issues of self-incrimination since *Hickman* (a passenger in the stopped vehicle) admitted to having drugs in his shoe when asked by the officer: "Have you got anything on you that you should surrender right now?"

As in *Chapman and Velez*, the Court in *Hickman* held that the stop of the car in which *Hickman* was a passenger and the detention of *Hickman* did not violate his Fourth Amendment right against unreasonable search and seizure since passengers are subject, in most circumstances, to the same limited stop as the driver by virtue of their not having readily available alternative means for transportation. However, such detention must be within limits necessary for the issuance of a summons and a determination of the validity of ownership. Insofar as the questioning of *Hickman* was within these limits, the Court had no problem with the search and seizure.

But in *Hickman*, unlike *Chapman and Velez*, the question that the officer asked was clearly not related to the purpose of the stop. In reviewing the circumstances which preceded this questioning, the Court, however, noted that the officer's question was preceded by his observation of visible nervousness by *Hickman*, who refused to make eye contact with the officer and shifted his weight from one side to the other.

In *Hickman*, the officer did not give *Miranda* warnings prior to asking *Hickman* "have you got anything that you should surrender right now?" While this was a question that the trial court found was "compulsory" and "demanded a compulsory answer" and was "coercive," the Appellate Division, in unanimously reversing the trial court, was not troubled by the nature of the question or that it was unrelated to the purpose of the stop and held that it did not have to be preceded by *Miranda* warnings. Furthermore, the Court ruled that even though the officer's questioning of *Hickman* may have been accusatory in nature or designed to elicit incriminating evidence, it was not coercive, was brief, and *Hickman* was detained only briefly in accordance with the necessity of the stop. Citing the prior U.S. Supreme Court decision of *Berkemer v. McCarty*, 484 U.S. 420 (1984) the appellate court, in *Hickman* compared the usual traffic stop to a *Terry* "frisk"-type *(continued on next page)*

## *Seizure of Drugs in Passenger's Shoe -- CONTINUED*

stop and held that persons in such circumstances are not "in custody" for purposes of *Miranda*.

But what is perhaps most significant in the *Hickman* decision is that the Appellate Division, unlike the earlier decision in *Chapman and Velez*, did not say that the questioning must be related to the purpose of the stop.

Based on the *Hickman* decision it is apparent that a police officer may, following a motor vehicle stop, question, without *Miranda* warnings, a driver and occupants of the vehicle on matters unrelated to the purpose of the stop as long as:

- 1) the questioning is brief;
- 2) the length of the stop and detention are within limits necessary for the checking of documentation and ownership or issuance of a summons; and
- 3) the questioning is preceded by some articulable suspicion of illegal activity by the subject, such as furtive movements, or, as set forth in *Hickman*, "nervousness" and "refusal to make eye contact with the officer."

## ***Summary of Recent Cases***

*(Reprinted with the permission of the Division of Criminal Justice)*

### ***State v. Jennifer Hayducka***

In an opinion written by Judge Rodriguez, the Appellate Division affirmed defendant's conviction for causing a motor vehicle to be operated on a public road without insurance. Defendant had given her car keys to her mother, instructing her to drive defendant's vehicle only in the driveway on her mother's private property and only to let other vehicles in or out of the driveway. Defendant's mother thereafter used the uninsured car to go to a store, and was involved in an accident.

The Appellate Division interpreted the language of N.J.S.A. 39:6B-2, which prohibited an owner who operates "or causes to be operated" an uninsured motor vehicle on a public road. The statute's plain meaning applied here, where defendant caused her vehicle to be operated when she gave her keys and possession of the vehicle to her mother. 2/15/01

### ***State v. Lavar Griffith, 336 N.J. Super. 514 (App. Div. 2001)***

In an opinion written by Judge Lesemann, the Appellate Division affirmed the application of NERA to defendant's second degree eluding conviction stemming from his guilty plea. This crime, involving defendant's use of his car as a battering ram in an attempt to move an occupied police vehicle blocking him, was a violent one because defendant used a "deadly weapon" as defined in N.J.S.A. 2C:43-7.2d and *State v. Burford*, 163 N.J. 16 (2000). His use of his vehicle fell squarely within this definition, and here the guilty plea to eluding included a finding that defendant created a risk of death or injury to others pursuant to N.J.S.A. 2C:29-2b.

### ***State v. Brian J. Snyder***

In an opinion written by Judge Landau, the Appellate Division affirmed defendant's driving while intoxicated conviction. Defendant had alleged that after striking another vehicle in a bar's parking lot, he drank alcohol he had in the car before the police arrived (the "glove box" defense).

The appellate court held that the State had proven defendant's guilt beyond a reasonable doubt. Defendant's claim that his failed field sobriety and blood-alcohol tests were due to drinking after he had driven into another's car omitted that he had conceded drinking alcohol during the hours preceding the accident and had not even realized that he had struck another vehicle until a bystander told him. Defendant also said that he had called his wife to drive him home, never told the arresting officer that he had consumed alcohol after the accident, and took the breathalyzer test within a reasonable time after the collision. Given the legislative policy to discourage "frivolous defenses...", New Jersey courts should not be quick to encourage a defense founded upon post-event voluntary ingestion of additional alcohol by a defendant." 1/31/01

### ***State in re J.D.H.***

In an opinion written by Judge Kestin, the Appellate Division reversed the juvenile's delinquency adjudications for sexual offenses. The victim reported the assaults to her parents and to the police, and a consensual telephone interception was obtained for the victim's telephone call to the juvenile. During that call, during which the juvenile admitted his conduct, a police detective phrased questions for the victim to ask in order that "the truth . . . be made known." The trial court admitted the tape into evidence over the defense's objection that it was the product of police interrogation without parental consent.

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**State in re J.D.H. -- CONTINUED**

The Appellate Division found the tape's admission as evidence to be error. The detective's participation in the telephone conversation made it a police interrogation, albeit non-custodial, conducted without the juvenile's parents' consent or involvement. The parental role in questioning juveniles involves protections that "apply literally and broadly to every juvenile who is the focus of a police investigation irrespective of where the questioning occurs or how it is accomplished." Here, the detective controlled the victim's telephonic questioning of her attacker, and the trial court's findings as to the juvenile's culpability were dependant on this inadmissible evidence. Thus the matter was remanded for a new trial before a different judge due to the "apparent and actual integrity of [the] credibility determinations ...." 1/29/01

***Recent Legislation***

*Please note the following recently enacted legislation.*

*Please contact Deputy First Assistant Prosecutor Richard P. Rodbart (908-527-4650)*

*in the event you have any questions or should you need copies of the text of these statutes.*

*Copies of all New Jersey legislation and statutes may also be obtained on the Internet @ [www.njleg.state.nj.us/](http://www.njleg.state.nj.us/)*

*All legislation is effective on the date signed unless otherwise noted.*

**Chapter 164, Laws of 2000**

***Effective February 12, 2001***

This statute, enacted as N.J.S.A. 40A:14-181.1 and 181.2, prohibits state, county and municipal police departments or forces from establishing ticket quotas for motor vehicle violations.

**Chapter 174, Laws of 2000**

***Effective January 8, 2001***

This addition to Chapter 12 of the Code, enacted as N.J.S.A. 2C:12-1.2, creates the new offense of endangering an injured victim. The offense is a crime of the third degree and requires the actor to actually cause bodily injury to any person or that he solicits, aids, encourages, or attempts or agrees to aid another, who causes bodily injury to any person and subsequently leaves the injury scene knowing or reasonably believing that the injured person is physically helpless, mentally incapacitated or otherwise unable to care for himself.

**Chapter 3, Laws of 2001**

***Effective January 16, 2001***

This amendment to the statute regulating firearms permits (N.J.S.A. 2C:58-3), disqualifies an individual from obtaining a permit to purchase a handgun or a

firearms purchaser identification card if that person was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a firearm.

Also amended is N.J.S.A. 2A:4A-60 to provide that records of the court, probation division or law enforcement agencies pertaining to juveniles may be made available for the purpose of reviewing applications for a permit to purchase a handgun or firearms purchaser identification card.

**Chapter 16, Laws of 2001**

***Effective January 29, 2001***

This amendment to N.J.S.A. 2C:44-5 mandates that any sentence imposed for an assault upon a State or county corrections employee in the performance of his or her duties shall run consecutively to any term of imprisonment being served and to any other term imposed for any other offense committed at the time of the assault.

The amendment applies only to offenses committed on or after January 29, 2001.

***Roll Call!***

***Congratulations To All Newly Promoted Officers Throughout Union County!***

***Hillside***

Hillside Police Chief John Bryson announced that six officers from his department, all graduates of Hillside High School who have distinguished themselves, were promoted at a meeting of the Township Council.

**Robert Quinlan**, a member of the police department since 1979, is the department's new deputy chief. Quinlan, who holds a degree in criminal justice from Union County College, will be commander of the Patrol Division.

**Raymond Hodavance** was promoted to the rank of captain. He is working toward his degree at Kean University. Hodavance has served in the Patrol and Detective Divisions. The other new captain is **Joseph Heath** who, along with Hodavance and Quinlan, also joined the department in 1979. Captain Heath, who holds a degree in criminal justice from Union County College, will join Captain Hodavance as a shift commander in the Patrol Division.

**George Harris**, a member of the department since 1985, was promoted to the rank of sergeant and he will serve as a road supervisor in the Patrol Division. He has been a field training officer in the department for a number of years.

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**Kevin Pydeski**, a member of the department since 1982, was promoted to the rank of sergeant and will also be a road supervisor in the Patrol Division. Sergeant Pydeski has credits toward his degree from both Kean University and Union County College and was extremely popular with the students in Hillside during his many years as the department's DARE officer.

**Terrence Clerk**, an eight-year veteran of the Hillside Police Department, was promoted to work in the Detective Division and his new assignment will involve the handling of general investigations.

### ***Linden***

There are two new lieutenants and two new sergeants in the Linden Police Department.

Chief John Miliano has announced the promotions of **Donald Tempalsky**, who joined the department in 1984 and worked in patrol, in narcotics work, on the county's Emergency Response Team and the Union County Narcotics Strike Force, to lieutenant, as well as **John Fine**, who has been a field supervisor and worked in the patrol division since joining the Linden Police Department in 1992.

Both new lieutenants will be shift commanders as part of their responsibilities. ‘

The new sergeants are **Robert “Bo” Berlinski**, a twenty-year veteran of the police department, and **Walter Antoniewicz**, who was a Union County Police Officer before joining Linden in 1988. They will both be assigned as patrol field supervisors.

### ***Rahway***

Police Chief Edward Tilton is proud to announce new promotions which took effect within the department effective March 1.

**Lieutenant Richard Tomshaw**, promoted from sergeant, joined the department in 1978 and served his entire career in the Patrol Division and he will now serve as field supervisor.

The new sergeants are:

**Raymond Baksys**, who joined in 1983 and has served in the traffic bureau,

**Walter Wronski**, a fourteen-year veteran who has been a corporal in the patrol division for the last five years, and

**David Jackson**, who was promoted in August and joined the department in February of 1988.

“I believe these officers will contribute to the operation of our department in a very meaningful and positive way,” said Chief Tilton.

As of February 1, Rahway lost the services of **Detective Sergeant William Shiel**, a widely recognized forensic science evidence expert, who served the city for twenty-nine years and had trained with the New York City Police Department. He will be sorely missed, and may be on his motorcycle riding somewhere in Florida as you read this announcement.

Chief Tilton also said that March 1 was the last day for **Detective Lieutenant Robert Disko**, who was commander of the Juvenile Bureau for many years and also served as a commander in the detective bureau during his twenty-seven years of service. He and his wife, Mary Ann, have opened a handcrafted gift store called “Cozy Fireside Treasures” in historic Smithville, so feel free to stop in and say hello if you're down there.

### ***Clark***

Clark Police Chief Anton Danco is pleased to announce four new promotions in the department.

**Lieutenant Jerry Scaturo**, elevated from the rank of sergeant, took the oath of office in a stirring ceremony at a meeting of the Township Council and **Sergeant Michael Pollock Jr.**, promoted from the rank of police officer, was administered his oath as well, in early January while the promotion of **Captain James Zizza** from lieutenant was made effective January 31.

In March, Chief Danco announced the promotion of **Kevin White** from sergeant to detective sergeant. Appointed in 1981 and promoted to sergeant in 1990, White holds an associate's degree from Union County College.

Captain Zizza, assigned as Deputy Patrol Division Commander, has twenty-three years of service to the township and holds an associate's degree from North Texas State University. Lieutenant Scaturo, who has a bachelor's degree from Kean University, has twenty-one years of service, and Sergeant Pollock, who was appointed to the Clark Police Department in 1991, has an associate's degree from Union County College.

“These are men who have worked hard and served the township citizens very well during their careers,” Chief Danco said.

***Congratulations to all!***

## ***Municipal Officer Of The Year Awarded at Police Academy***

The Municipal Police Officer of The Year Award is an annual law enforcement honor that recognizes excellence in police work, testimony in court and service to crime victims and to the community, was initiated in 1978 by the late Prosecutor John H. Stamler and reactivated by Prosecutor Thomas V. Manahan shortly after he took office as the county's chief law enforcement officer almost four years ago. The plaques are engraved with the inscription that memorializes "consistently first-rate investigative work, which includes thoroughly completed and well-written reports, testifying in a dignified and professional manner, cooperating with assistant prosecutors in presentation of cases to the grand jury and at trial, commanding the respect of fellow officers and the judges and juries before whom he or she appears."

Clearly it is an honor to be selected for such a distinction from among the 1,800 police officers and detectives in Union County who do their job with great diligence day in and day out. In ceremonies at the John H. Stamler Police Academy, the awards were presented to the three cited officers for the year 2000 at the most recent monthly meeting of the Union County Police Chiefs. The recipients were:

**Elizabeth Detective Sergeant William Syers  
Union County Police Detective Sergeant Robert E. McGuire  
Elizabeth Detective Louchaun Holmes.**

Detective Sergeant Syers, a twenty-eight year veteran of the Elizabeth Police Department, has worked in every section and division in the department including patrol, selective enforcement and the marine unit. He has received twenty-three department awards including the Valor Award and was a 1988 recipient of the Union County 200 Club for bravery.

Detective Holmes, who joined the department in 1991, has received eleven departmental awards including nine commendations, a merit award and an Excellent Police Service Award. She has worked in the patrol units, at a mini-station, in Community Policing and as a detective.

During Detective Sergeant McGuire's outstanding eighteen year career, he has participated in many detailed and intricate investigations including those inside the Union County Jail. He joined the department in 1982, earned many departmental citations and awards for service, and is a certified police instructor who shares his experience with many other police officers. Married and the father of two children, he holds the rank of First Sergeant in the U.S. Army Reserve.

Previous winners of the coveted award include:

|            |   |
|------------|---|
| Elizabeth  | Detectives Ismael Olivero, Allen Mularz, Kevin O'Leary, James Ponto, Julian Hilongos, James Doherty, Jack Doyle and Daniel Geddes |
| Cranford   | Christopher Chapman   |
| Hillside   | Taswell Goode   |
| Kenilworth | William Dowd  |
| Linden     | Louis Stanicki, Frank Leporino and Vincent Klebaur  |
| Plainfield | Frank Pfeiffer, Richard Berman, Sergio Rodriguez, Kenneth Reid and Steven Francisco   |
| Roselle    | Peter DeRose, Edward DePaola  |
| Rahway     | Daniel Pitts and William White  |
| Westfield  | Bernard Tracy and Clifford Auchter.   |

The photographs of this year's ceremony will be in the next Newsletter.

## ***Bridget Lawrence Named to Union County's 2001 Women of Excellence Honorees!!***

It was a special night for Union County Prosecutor's Office Detective Bridget Lawrence as she was one of a distinguished panel of honorees at the Ninth Annual Dinner in honor of women who have made a significant contribution in the area of their chosen occupation or in their community. The ceremonies at the Westwood were conducted by the Union County Commission on the Status of Women and they included a special law enforcement achievement award for Bridget, who is currently assigned to the Special Prosecutions Unit and earned the coveted Pisano Award (see article on the next page) four years ago.

## *Prosecutor's Detective Michael Triarsi Earns Alfonso Pisano Memorial Award*

### *Distinguished Service Awards to Prosecutor's Detectives Michael Burns and Andre Banks*

Each year in the Union County Prosecutor's Office, a very special service award is presented to the detective bureau member who has shown a commitment to fairness, tremendous compassion in dealing with crime victims and in gathering evidence to present in court.

This year's recipient is **Detective Michael Triarsi**, who was presented with the award by Prosecutor Manahan at a ceremony at the courthouse complex in Elizabeth.

Triarsi, who joined the Prosecutor's Office in 1993 and was appointed a detective in 1995, was singled out for exceptional praise for his work as a detective in the Trial Unit by members of the office for his "dedication to duty, exceptional spirit of cooperation and assistance to crime victims and witnesses."

The Alfonso Pisano, III Memorial Award, which is permanently inscribed and mounted inside the fourth floor conference room of the Prosecutor's Office in Elizabeth, is named for a prosecutor's arson unit detective who passed away suddenly eight years ago. Al Pisano, a twelve-year veteran of the office, died in 1992 at the age of 35.

Prosecutor Thomas V. Manahan also announced that the office presented Distinguished Service Awards to Prosecutor's Office Detectives Michael Burns and Andre Banks. These awards recognize service above and beyond the call of duty.

## *A Hearty Welcome To Two New Undersheriffs*

In a beautiful and heartwarming ceremony in the courtroom chambers of Superior Court Judge Edward W. Beglin, Jr., the county's Assignment Judge, Union County Sheriff Ralph Froehlich presided over promotion ceremonies elevating two veteran Sheriff's Officers to the rank of Undersheriff.

In the photo below, Sheriff Froehlich, center, is seen flanked by **Undersheriff Gerald Green**, left, and **Undersheriff Vincent DeTrolio**, right, after the oaths of office were taken.

"These are extremely dedicated officers who have given me loyalty, knowledge, leadership and guidance in the Sheriff's Office," said Froehlich.





**Prosecutor Thomas V. Manahan**, right, joined members of the Union County High Tech Task Force at a kickoff press briefing to explain how municipal police officers will be trained along with prosecutor's detectives to develop cases involving Internet crimes such as identity theft, sexual predatory offenses, hate crimes and credit card fraud. Joining the Prosecutor inside a special equipment and monitoring room are, from left: **Assistant Prosecutor Ann Luvera**; **Detective Ken Leissler**; **Scotch Plains Police Chief Thomas O'Brien**, the President of the Union County Police Chiefs Association; and **Detective Andre Banks**.

Union County Prosecutor's Office employees, the U.S. Marine's "Toys for Tots Program" and the Save-A-Life-Today (SALT) program, which attempts to steer young people away from a life of crime, teamed up this year to send out hundreds of toys to families who would have little or nothing for the little ones for the holidays.

*(Top right)* **Plainfield Detective Sergeant James Schulkes** packs up the Plainfield DARE truck with toys collected for kids in the Queen City.



*(Lower right)* **Jack Heffernan** of the Elizabeth SALT office helps **Carmen Malanga** of the Prosecutor's Office and **Linden Sergeant Michael Zoppi** pack additional gifts for needy families in Elizabeth and Linden.



Cellular phones for domestic violence victims keep coming in. There is a long waiting list to get the phones which are programmed at no cost by the phone company so that domestic violence victims who are in fear or who have been beaten can call 911 for help. Here **Rahway Police Officer John Miller** of the Community Assistance Team brings a huge batch of telephones to be donated and turned over to Victim Witness Assistance Unit Employees **Maria Esteves**, left, **First Assistant Prosecutor James F. Keefe** and **Ita Montealegre-De Mattos**.

## Union County Prosecutor's Office Telephone Numbers

|   |          |
|---|----------|
| Prosecutor Thomas V. Manahan.....                     | 527-4510 |
| First Assistant Prosecutor James F. Keefe.....        | 527-4502 |
| Deputy First Assistant Richard P. Rodbart.....        | 527-4650 |
| Executive Assistant Prosecutor Robert P. O'Leary..... | 527-4549 |
| Investigations Supervisor David J. Hancock.....       | 527-4661 |
| Trial Supervisor Ann R. Rubin.....                    | 527-4515 |
| Training Supervisor Kenneth N. Siegel.....            | 527-4621 |
| Chief of Investigations David F. Regal.....           | 527-4615 |

### Administrative Services Unit

Lieutenant Lawrence C. Wlazlo..... 527-4604

### Appellate Section

Assistant Prosecutor Steven J. Kaflowitz.... 527-4593

### Asset Forfeiture Section

Assistant Prosecutor Robin Wilson..... 527-4670

### Auto Theft Task Force

Lieutenant Joseph F. Vitelli..... 687-2200

### Criminal Case Control Unit

Lieutenant Leo J. Uebelein..... 527-4606

### Domestic Violence Unit

Assistant Prosecutor Laura A. Hook..... 527-4580

Detective James Weinberg..... 558-2399

### Elizabeth Project

Assistant Prosecutor Michael J. Zidonik..... 558-2054

### Grand Jury Unit

Assistant Prosecutor Peter A. McCord..... 527-4546

Assistant Prosecutor Thomas P. Simon..... 527-4526

### Hi-Tech Unit

Detective Andre Banks..... 527-4508

### John H. Stamler Police Academy

Chief Anthony J. Parenti, Director..... 889-6112

Maryann Johnston, In-Service Training..... 889-6112

### Juvenile Justice Unit

Assistant Prosecutor Deborah A. White..... 527-4631

Sergeant Roy Diaz..... 527-4681

### Laboratory

Lieutenant Kathleen Callahan..... 654-9847

### Major Crimes Unit

Captain Edward Johnson..... 527-4591

### Child Abuse

Assistant Prosecutor Doreen Yanik..... 965-3879

Lieutenant Edward Fitzgerald..... 965-3874

### Sex Crimes

Assistant Prosecutor Daria Smith..... 965-3888

Sergeant Kevin Foley..... 965-3885

### Violent Crimes

Assistant Prosecutor William Kolano... 527-4689

Lieutenant Blaise Mineo..... 527-4534

### Narcotic Strike Force

Assistant Prosecutor Tim Isenhour..... 709-6516

Captain James J. Durkin..... 709-6518

### Plainfield Project

Assistant Prosecutor James A. Hart, III.... 226-0124

### Released Offenders Unit

Assistant Prosecutor Maureen O'Brien..... 527-4557

### Save A Life Today (S.A.L.T.) Unit

Assistant Prosecutor Sue Lewis..... 791-7131

Prosecutor's Agent John Heffernan..... 527-4668

### Special Prosecutions Unit

Assistant Prosecutor Anne K. Frawley..... 527-4673

Lieutenant Patricia Leonard..... 527-4658

### Arson

Sergeant Bob Jones..... 527-4649

### Bias & Hate Crimes

Sergeant Tracy Diaz..... 527-4649

### Victim / Witness Unit

Coordinator Elaine O'Neal..... 965-3897

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*Recent Case Law and Law Related Articles*..... Assistant Prosecutor Steven J. Kaflowitz

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