REPORT OF THE

SUPREME COURT

CRIMINAL PRACTICE COMMITTEE

2017 – 2019 TERM

JANUARY 30, 2019

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I. Introduction

During the 2017-2019 term, the Criminal Practice Committee proposed amendments to a series of Part III Rules Governing Criminal Practice contained in two reports published for comment and acted upon by the Supreme Court. Those reports were as follows: (1) the Supplemental Report (January 26, 2018), and (2) the Second Supplemental Report (March 29, 2018). Additionally, the Supreme Court asked the Committee to expeditiously review Rule 3:4A and make any appropriate recommendation to clarify the rule, if necessary. The Committee recently issued its Response to the Supreme Court's Request to Review Rule 3:4A "Pretrial Detention" (December 5, 2018), which is currently posted for public comment.

This Report contains additional recommendations and issues considered by the Committee during this term.

II. Rule Amendments Recommended for Adoption

A. R. 3:8-3 – Representation by Public Defender

The Committee is proposing modifications to Rule 3:8-3 in accordance with the Supreme Court's request for an amendment that would incorporate the practices of the Office of the Public Defender (OPD) as a continuing requirement. See State v. Welch, 225 N.J. 215, 218 (2016).

Specifically, the Welch Court directed that the Committee draft language that incorporates the practices set forth below in (a) through (c):

> [T]he OPD has represented to the Court that it abides by the following process in each case: (a) after the Appellate Division issues a judgment in an appeal of right, an attorney continues to represent the defendant by reviewing the case to determine if it presents a potentially meritorious petition for certification, in light of the standards in *Rule* 2:12-4[1]; (b) in cases that the OPD believes meet that standard, the OPD files a petition accompanied by an extended letter brief or a shorter letter that relies on the arguments presented to the Appellate Division; and (c) in cases in which an attorney concludes that he or she cannot certify that a petition "presents a substantial question and is filed in good faith," as required by *Rule* 2:12-7(a), the OPD does not file a petition; instead, as in this case, the OPD notifies defendant of its position in writing and offers defendant copies of the relevant briefs, transcripts, and other documents.
> [Id. at 217.]

[1] Rule 2:12-4 "Grounds for Certification" provides that "Certification will be granted only if the appeal presents a question of general public importance which has not been but should be settled by the Supreme Court or is similar to a question presented on another appeal to the Supreme Court; if the decision under review is in conflict with any other decision of the same or a higher court or calls for an exercise of the Supreme Court's supervision and in other matters if the interest of justice requires. Certification will not be allowed on final judgments of the Appellate Division except for special reasons."

Proposed amendments to R. 3:8-3

The Committee has broken down the process for defendants to be represented by the Office of the Public Defender into three paragraphs, beginning with the indigence determination and referral of appropriate defendants, through the services offered to qualified defendants.

Paragraph (a)

Proposed paragraph (a) adds a caption "Application; Determination; Referral," and retains the current language for a determination of indigence and referral of defendants to the Office of the Public Defender. The last sentence has been moved to new paragraph (b).

Paragraph (b)

New paragraph (b), entitled "Scope of Services," contains subparagraphs describing the services of the Office of the Public Defender. The last sentence of the current rule has been included in subparagraphs (1) through (3). The above quoted practices in (a) from Welch is contained in subparagraph (4).

Paragraph (c)

New paragraph (c), entitled "Services Following Appellate Division Judgment," contains the practices quoted above in (b) and (c) from Welch concerning petitions for certification.

The proposed amendments to Rule 3:8-3 follow.

3:8-3. Representation by Public Defender

(a) Application; Determination; Referral. The criminal division manager's office shall receive applications for services of the Public Defender and shall determine indigence. A defendant who qualifies for service shall be referred to the Office of the Public Defender no later than the arraignment. The defense counsel appointed by the Office of the Public Defender shall promptly file an appearance. [Representation of a defendant by the Office of the Public Defender shall continue through direct appeal from conviction, post-conviction proceedings for which the Rules of Court provide assigned counsel, and appeals from those proceedings.]

(b) Scope of Services. The Office of the Public Defender shall represent indigent defendants who qualify for its services through:

(1) Direct appeal from conviction;

(2) Post-conviction proceedings for which the Rules of Court provide assigned counsel;

(3) Direct appeal from those post-conviction proceedings; and

(4) Review of cases after the Appellate Division issues a judgment in an appeal as of right and compliance with the provisions of paragraph (c) of this Rule following that review.

(c) Services Following Appellate Division Judgment. In cases that present a potentially meritorious petition for certification in accordance with the standards in R. 2:12-4, the Office of the Public Defender shall file a petition for certification accompanied by a letter brief or a letter relying on defendant's Appellate Division arguments. In cases

in which defense counsel appointed by the Office of the Public Defender cannot certify that a petition "presents a substantial question and is filed in good faith," as required by R. 2:12-7(a), the Office of the Public Defender shall not file a petition but shall notify defendant of this position in writing and offer copies of relevant briefs, transcripts, and any other documents.

Note: Adopted July 5, 2000 to be effective September 5, 2000; amended April 12, 2016 to be effective May 20, 2016; paragraph (a) amended and caption added, new paragraphs (b) and (c) adopted ___ to be effective____.

B. R. 3:21-4 – Sentence

The Committee is proposing an amendment to paragraph (a), "Imposition of Sentence; Conditions of Release," to clarify that pending sentence the court can "impose" or newly create conditions of release on defendants following a guilty verdict or plea. Paragraph (a), as currently written, only includes options for the court to "commit" the defendant to custody or to "continue or alter the conditions of release."

The justification for this modification originated from drug court, where, historically (and before the Criminal Justice Reform Act), when an individual pled into drug court, certain bail conditions, such as substance use treatment or attendance at support group meetings, could be newly imposed pending sentence. This amendment also addresses pre-sentence release conditions for defendants charged on a Complaint-Summons who therefore are not "eligible defendants" as defined in the Criminal Justice Reform Act[2] and not subject to being released pretrial with conditions as set forth in the Act.

Because current paragraph (a) does not state that conditions can be "imposed," judges may feel they lack the authority to start conditions, such as ordering outpatient treatment for a drug court candidate or mental health evaluation and potential treatment for persons with mental health concerns who were not previously subject to court-ordered conditions. It was also recognized that releasing such defendants who may be at a high risk for self-harm without any temporary conditions could put these defendants in

[2] Pursuant to N.J.S.A. 2A:162-15, an eligible defendant is defined as a person for whom a complaint-warrant is issued for an initial charge involving an indictable offense or a disorderly persons offense.

significant jeopardy during this period. However, if judges were to think they do not have the authority to impose new conditions pending sentence in those circumstances, then judges might conclude that the only alternative is to commit the person to jail pending sentencing. Such incarceration would not be necessary, in many instances, if the appropriate release conditions were to be established.

During the discussion of this proposal, the consensus was that imposing new conditions post plea or verdict falls within the court's inherent authority. However, an amendment specifying that the court can "impose" conditions, rather than just continuing or altering conditions, would clarify this authority. Also, it was recognized that at this stage in the proceedings, the defendant no longer enjoys the presumption of innocence.

Members opposed suggested that if the parties were in agreement with imposing treatment conditions, those terms should be included in the plea agreement. Members who supported the amendment responded that while prosecutors could include these conditions in the plea agreement that still would not resolve this issue. Also, there is no plea agreement when there is a guilty verdict.

Additional concerns raised by those opposed were that conditions may be ordered more frequently for persons charged on summonses pending sentencing in non-drug court cases. These members also questioned supervision, and the consequences for defendants who fail to satisfy a term that could be grounds to reject the plea. The majority acknowledged the concern but suggested that circumstances warranting imposition of pre-sentence conditions outside the drug court context would be rare and non-compliance could be addressed on a case-by-case basis.

Proposed amendments to paragraph (a)

The Committee ultimately decided to propose an amendment to paragraph (a) to specify that the court may "impose" conditions of release "regardless of whether the defendant is an eligible defendant." The Committee also thought it was important to explain that this revision is to clarify the inherent authority of courts to impose new conditions or to modify existing conditions after a plea or guilty verdict, and before sentencing. Thus, regardless of whether the defendant was previously subject to court-ordered release conditions, appropriate conditions can be imposed or modified pending sentencing.

The proposed amendments to R. 3:21-4 follow.

3:21-4. Sentence

(a) Imposition of Sentence; Conditions of Release. Sentence shall be imposed without unreasonable delay. Pending sentence the court may commit the defendant or continue, impose or alter the conditions of release regardless of whether the defendant is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq.

(b) … no change.

(c) … no change.

(d) … no change.

(e) … no change.

(f) … no change.

(g) … no change.

(h) … no change.

(i) … no change.

(j) … no change.

Source-R.R. 3:7-10(d). Paragraph (f) amended September 13, 1971, paragraph (c) deleted and paragraphs (d), (e) and (f) redesignated as (c), (d) and (e) July 14, 1972 to be effective September 5, 1972; paragraph (e) adopted and former paragraph (e) redesignated as (f) August 27, 1974 to be effective September 9, 1974; paragraph (b) amended July 17, 1975 to be effective September 8, 1975; paragraphs (d) and (e) amended August 28, 1979 to be effective September 1, 1979; paragraph (d) amended December 26, 1979 to be effective January 1, 1980; paragraph (g) adopted July 26, 1984 to be effective September 10, 1984; paragraph (d) caption and text amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended November 2, 1987 to be effective January 1, 1988; paragraph (d) amended January 5, 1988 to be effective February 1, 1988; new paragraph (c) adopted and former paragraphs (c), (d), (e), (f), and (g) redesignated (d), (e), (f), (g), and (h) respectively June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (i) adopted April 21, 1994 to be effective June 1, 1994; paragraphs (b), (e), (f) and (g) amended July 13, 1994 to be effective January 1, 1995; former paragraphs (f), (g), (h), and (i) redesignated as paragraphs (g), (h), (i), and

(j) and new paragraph (f) adopted July 10, 1998 to be effective September 1, 1998; paragraph (j) amended July 5, 2000 to be effective September 5, 2000; paragraph (e) caption and text amended, and paragraph (f) amended June 15, 2007 to be effective September 1, 2007; paragraph (h) caption and text amended July 16, 2009 to be effective September 1, 2009; paragraph (g) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) caption and text amended August 30, 2016 to be effective January 1; paragraph (a) amended___ to be effective____.

C. R. 3:30 – Fees for Expungement of Records

The Committee considered whether Rule 3:30 ("Fees for Expungement of Records") was still necessary in light of the subsequent adoption of Rule 1:43 ("Filing and Other Fees Established Pursuant to N.J.S.A. 2B:1-7").

As background, the Committee recommended adoption of R. 3:30 during the 2007-2009 term because of confusion over the filing fees for expungements. Specifically, the total $52.50 fee, at that time, for an expungement of records was contained in two separate statutes, N.J.S.A. 22A:2-25 ($22.50) and 2C:52-29 ($30.00). Therefore, the Committee had recommended the adoption of R. 3:30 to reference those two statutes.

However, the 2014 adoption of Rule 1:43 has centralized the filing fees for the State courts. Additionally, the fees listed for the Criminal Part now include the total $75 fee for an expungement, and the citations to the relevant statutes.

The Committee concluded that R. 3:30 should be retained in the Part III rules. However, the Committee recommends that this rule cite to R. 1:43 rather than the statutes. Additionally, the proposed language recognizes that the Legislature has specifically provided that certain types of expungements cannot be charged fees, for example drug court expungements (N.J.S.A. 2C:35-14(m)) and arrests not resulting in conviction (N.J.S.A. 2C:52-6). Therefore, the phrase "except as otherwise provided by statute" has been added to account for these circumstances.

The proposed amendments to Rule 3:30 follow.

3:30. Fees for Expungement of Records

Any person who files an application for an expungement of records, pursuant to N.J.S.A. 2C:52-1 to - 32, shall pay filing fees as [required by N.J.S.A. 2C:52-29 and N.J.S.A. 22A:2-25] established in R. 1:43, except as otherwise provided by statute.

Note: Adopted July 16, 2009 to be effective September 1, 2009; amended ____ to be effective _____.

III. Rule Amendments Considered and Rejected

A. R. 3:4A – Pretrial Detention

The Committee considered a proposal for a stay of the release order from members representing the State that arose due to the referral from the Supreme Court to "review expeditiously the language of Rule 3:4A(e) and to make any appropriate recommendation to the Court considering possible future amendments to clarify the rule, if necessary." See State v. Satorius, No. S-081818 (Supreme Court September 20, 2018). The Committee decided to consider this proposal separately since it was not directly related to the language interpreted in Satorius as imposing a 48-hour deadline for a motion by the State for interlocutory review of an order denying detention. Accordingly, this proposal was not included in the Committee's Response to the Supreme Court on R. 3:4A issued on December 5, 2018.

This proposal would amend current paragraph (e) entitled "Interlocutory Order from Appellate Division" to provide for a stay of a pretrial release order for a period of one business day, upon application of the prosecutor, where the State's motion for pretrial detention is denied, and the hearing court denies the State's application for a stay of the release order. The one business day is to permit the State to file an application for leave to file an emergent appeal. This period would fill the "gap" of time that occurs for prosecutors to satisfy the procedural steps to file for an emergent appeal of the release order, and the defendant's release from custody pursuant to the release order, prior to the Appellate Division having the opportunity to consider and possibly grant the stay of the release order.

The circumstances under this proposal for which a stay of the release order upon application of the prosecutor would be applicable, following the denial of the State's motion for pretrial detention, are as follows:

(1) Cases subject to a presumption that the defendant shall be detained pursuant to N.J.S.A 2A:162-19(b),[3] and

(2) Cases where the court finds probable cause that the defendant committed a crime, or attempted to commit a crime, subject to the No Early Release Act (N.J.S.A. 2C:43-7.2), and where the Pretrial Services Program has issued a recommendation of no release, unless the hearing court finds on the record that the interest in the immediate release of the defendant outweighs the risk (1) to the protection of the safety of the community, (2) that defendant will fail to appear in court when required, or (3) that defendant will obstruct the criminal justice process if released. The proposal also provides that in all other cases when the hearing court denies the State's motion for pretrial detention, the hearing court would have discretion to grant a stay of the release order to permit the State to file an application for leave to file an emergent appeal.

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[3] N.J.S.A 2A:162-19(b) provides "When a motion for pretrial detention is filed … there shall be a rebuttable presumption that the eligible defendant shall be detained pending trial because no amount of monetary bail, non-monetary condition or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, if the court finds probable cause that the eligible defendant: (1) committed murder pursuant to N.J.S. 2C:11-3; or (2) committed any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment."

In evaluating this proposal, the Committee considered that procedures presently exist to obtain a stay pending an emergent appeal. These procedures apply not only to pretrial release orders, but also to a wide range of appeals arising from criminal, civil and family division matters. The Committee considered statistics concerning the frequency of these stay applications and anecdotal evidence concerning public safety issues arising from the denial of stays under the existing procedures. Ultimately, the Committee concluded that the State failed to demonstrate a need to change the present stay procedures.

The Committee also was of the view that a stay of the release order for one business day would go beyond the intent of the Criminal Justice Reform Act, which has an overarching presumption towards pretrial release. Additionally, the majority questioned the imposition of an automatic stay of one business day for cases that fall within the rebuttable presumption for detention category described in (1) above. The Act does not provide for a delay in the defendant's release following the court's denial of the State's motion for detention to permit the State to file an emergent application.

Similarly, the majority also questioned the applicability of the rebuttable presumption of an automatic stay for the No Early Release Act (NERA) cases. The concern is that, with the court having already conducted a hearing that addresses risk to the community, failure to appear, and obstruction of the criminal justice process, and having determined that the person is not a risk and that release is appropriate, the defendant would then be required to establish that the "interest in the immediate release of the defendant outweighs the risk" to overcome the presumption for the stay.

Thus, the proposal potentially shifts the burden to the defendant to justify release after the court has already denied the State's motion for pretrial detention.

Members from the State responded that this language was intended to track the language in the statute in order to provide a release mechanism after the court balances the nature and circumstances of the offense and makes a determination that release is appropriate, but decides that defendant's immediate release may result in an increased risk. It was not intended as a means for the court to revisit its initial decision to grant pretrial release. Rather, it is a mechanism for factors to be considered for the defendant's release to be delayed for one business day to permit an emergent application to be filed by the prosecutor in an orderly fashion.

For the reasons noted above, the Committee is not recommending these revisions to R. 3:4A, and thus is rejecting this proposal.

IV. Non-Rule Recommendations and Other Issues Considered

A. Notice to Attorneys in Child Welfare Cases when there is a Request in a Criminal Case for Release of DCPP Records

The Criminal and Family Practice Committees were asked to form a joint working group to consider whether rule amendments should require notice to attorneys in active child welfare cases where there is a request in a criminal case for release of confidential Division of Child Protection and Permanency (DCPP) records pursuant to N.J.S.A. 9:6-8.10a(b)(6). This statute authorizes DCPP to release such information to a court upon a finding that access to such records may be necessary for determination of an issue before the court. Additionally, such records may be disclosed to the attorneys upon a finding that further disclosure is necessary for determination of an issue before the court.

The joint working group concluded that a rule amendment was not necessary because N.J.S.A. 9:6-8.10a(b)(6), as well as case law, sufficiently address the trial court's obligations to weigh the conflicting rights of criminal defendants to a fair trial and the confrontation of witnesses, against the State's compelling interest in protecting child abuse information and records. A rule change providing attorneys in child welfare cases with notice and opportunity to be heard in the criminal case would not provide any added benefit to the trial court judge, and could cause delays in processing the criminal case.

The Committee agreed with the joint working group that a rule amendment was not necessary, and thus, is recommending no further action.

B. Pro Se Petition for Judicial Determination of Factual Innocence

The Committee reviewed N.J.S.A. 2C:52-32.1 ("Petition for judicial determination of factual innocence for certain victims of identity theft"), effective March 1, 2016, to assess whether a court rule was necessary to "effectuate the purposes of this act." See N.J.S.A. 2C:52-32.1(f).

This law permits a person who reasonably believes that he or she is a victim of identity theft based upon commission of the enumerated offenses to apply to the court where the charge is pending or where the conviction was entered for a judicial determination of factual innocence under certain circumstances: specifically, when: (1) the perpetrator of the identity theft was arrested, cited, or convicted of a crime, offense, or violation of law under the victim's identity; (2) a complaint for a crime, offense, or violation was filed against the perpetrator in the victim's name; or (3) the victim's identity has been mistakenly associated with a record of conviction. N.J.S.A. 2C:2C:52-32.1(a).

The Committee concluded that a rule was not necessary for victims to attain the relief provided under the law. However, it believed there should be a process to assist pro se victims of identity theft apply for this determination. To assist in that undertaking, the Committee developed a draft petition modeled after the Judiciary's expungement petition for self-represented litigants entitled "How to Expunge Your Criminal Record and/or Juvenile Record" at http://www.njcourts.gov/forms/10557_expunge_kit.pdf.

The Committee recommends referring this petition to the Conferences of Criminal Presiding Judges and Division Managers, and other appropriate Conferences of the

Administrative Office of the Courts for consideration and development of procedures for courts to process these matters.

V. Matters Held for Future Consideration

A. State v. Bueso – Child Competency Determination Questions

The Supreme Court in State v. Bueso, 225 N.J. 193, 214, n.6 (2016), requested that the Criminal Practice Committee consider developing model questions for use in competency determinations involving child witnesses.

In Bueso, the Court found that the examination to determine competency of the child witness during the trial satisfied N.J.R.E. 601; however, a more compelling record including detailed questions would have been ideal. Id. at 214. The Court further advised that "Trial courts and counsel should develop the record on the question of competency by means of a thorough and detailed questioning of the child witness." Ibid.

Because of the potentially significant evidentiary implications and the prevalence of child witnesses in Family Part matters, a joint subcommittee has been formed with members of the Supreme Court Committee on the Rules of Evidence and the Family Practice Committee to develop model questions. The Committee will explore this topic upon completion of the subcommittee's work.

Respectfully submitted,

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VI. Dissent

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Re: Proposed Rule 3:4A(e) for Stay to Allow for Emergent Appeal when Court Releases Defendant Contrary to Recommendation of Pretrial Services

Your Honor:

Please accept this letter on behalf of all representatives on the Criminal Practice Committee from the Division of Criminal Justice and County Prosecutors' Offices, in support of our proposal to amend Rule 3:4A(e). We respectfully disagree with the Committee's 15 to 11 vote to reject our proposal to amend Rule 3:4A(e) to provide an automatic or presumption of a stay, upon the prosecutor's request, when a pretrial-detention court denies a prosecutor's motion for pretrial detention in certain cases. The rule we proposed to the Committee reads as follows:

> (e) Interlocutory Order from Appellate Division. The State may move for leave to appeal from an interlocutory order granting an eligible defendant's pretrial release.
>
> (1) If the hearing court denies the State's motion for pretrial detention in a case subject to a presumption that the defendant shall be detained pursuant to N.J.S.A. 2A:162-19(b), and the hearing court denies the State's application for a stay of the release order, the order granting release shall, on application of the prosecutor, be stayed for a period of one business day to permit the State to file an application for leave to file an emergent appeal.
>
> (2) If the hearing court denies the State's motion for pretrial detention in a case where the court finds probable cause that the defendant committed a crime, or attempted to commit a crime, subject to the No Early Release Act, N.J.S.A. 2C:43-7.2, and where the Pretrial Services Program has issued a recommendation of no release, and the hearing court denies the State's application for a stay

> of the release order, the order granting release shall, on application of the prosecutor, be stayed for a period of one business day to permit the State to file an application for leave to file an emergent appeal, unless the hearing court finds on the record that the interest in the immediate release of the defendant outweighs the risk (1) to the protection of the safety of the community, (2) that defendant will fail to appear in court when required, or (3) that defendant will obstruct the criminal justice process if released.
>
> (3) In all other cases when the hearing court denies the State's motion for pretrial detention, the hearing court shall have discretion to grant a stay of the order granting release to permit the State to file an application for leave to file an emergent appeal.

We believe that this rule is necessary to address situations where a Law Division judge denies the State's motion for pretrial detention, notwithstanding a Pretrial Services recommendation of no release for a serious offense, and refuses to grant even a short stay of the release order to allow the State to seek emergent relief from the Appellate Division. In those circumstances, the defendant is often released before the State has an opportunity to obtain a stay from the Appellate Division. And if the Appellate Division does grant a stay following release or the State's emergent appeal is ultimately successful, law enforcement officers must go out and apprehend the defendant again, risking the safety of themselves, the public, and the defendant himself.

We recognize that there may be situations where a stay of a release order is not in the interests of justice. That is why our proposed rule is divided into three different standards. Subsection (1) provides for an automatic stay of one business day when the defendant is facing a statutory presumption of detention, i.e. charged with murder or facing life in prison.

Subsection (2) provides for a presumption of a stay of one business day if the defendant is charged with a N.E.R.A. offense and Pretrial Services has recommended detention. This presumption can be overcome if the hearing court finds on the record that the interest in the immediate release of the defendant outweighs the risk (1) to the protection of the safety of the community, (2) that the defendant will fail to appear in court when required, or (3) that the defendant will obstruct the criminal justice process if released. When a defendant is facing a presumption of detention, or both Pretrial Services and the State agree that pre-trial detention is appropriate in a serious case, the State should be given an opportunity to seek an emergent appeal from the release decision prior to defendant's release. Moreover, the "automatic stay" of one business day delineated in the rule must be requested by the prosecutor.

Also, our proposed rule makes clear in subsection (3) that a hearing court retains discretion to grant a stay of a release decision in all other cases.

We believe that this proposed rule strikes the appropriate balance between a very short stay of release in a small number of cases and the paramount interest of safety to the public and officers.

We thank all members of the Committee for their consideration of this proposal and respectfully dissent from the vote to reject the proposal.

Respectfully submitted,

/s/ *Veronica Allende*
Veronica Allende, Director
Division of Criminal Justice

/s/ *Francis A. Koch*
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Claudia Joy Demitro, Deputy Attorney General, Division of Criminal Justice

The following members have joined in the dissent filed by Veronica Allende, Director, Division of Criminal Justice and Francis A. Koch, Prosecutor, Sussex County Prosecutor's Office, President, County Prosecutors Association of New Jersey on behalf of all representatives on the Criminal Practice Committee from the Division of Criminal Justice and County Prosecutors' Offices:

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