

Impact of and Response to COVID-19:
U.S. Attorney's Office, District of New Jersey

When it became clear in early March 2020 that COVID-19 was going to have an impact – and a potentially significant impact – on the United States, the U.S. Attorney's Office for the District of New Jersey (USAO) began to prepare to adjust its operations. In personnel and workplace safety matters, the USAO is governed by policies and procedures administered by the Department of Justice in Washington, D.C., including the Executive Office of U.S. Attorneys and the Justice Management Division, and also by the rules set forth by the federal government's Office of Personnel Management. The USAO's office in Newark is further subject to the policies and procedures of its landlord, the General Services Administration, and its offices in Trenton and Camden are located within the federal courthouses there, and therefore subject to the rules of the Court. Thus, the USAO had to receive a significant amount of guidance from a number of sources and then move quickly to make changes that would ensure employee safety while continuing to serve the USAO's core mission of protecting the public.

On Friday, March 13, 2020, the USAO received guidance from EOUSA that permitted it to authorize telework for all employees with a telework agreement. On Sunday, March 15, the USAO expanded that to all employees, whether or not they performed a job function that had been previously authorized for telework. This presented a number of logistical challenges; for example, not all of the USAO's nearly 300 employees and contractors had government-issued laptops. Within a matter of days, however, the entire USAO staff had the ability to work from home, using laptops, iPads, personal devices, and government-issued desktop computers.

This period of time coincided with a number of challenges for investigators and prosecutors at the USAO. Violent crime began to increase statewide. After the murder of George Floyd in Minneapolis in May, there were continued episodes of considerable civil unrest

nationwide, including in Trenton and Atlantic City. The USAO was unable to convene a grand jury between mid-March and late May, due to difficulty in obtaining a quorum of available grand jurors. Investigative agents faced considerable public health risks in conducting their normal activities, including executing search and arrest warrants and interviewing witnesses, subjects, and targets. And unscrupulous individuals began to use the global pandemic as an opportunity to commit fraud, including by hoarding critical medical supplies and price-gouging customers for items like face masks, gloves, and surgical gowns.

In late March 2020, the Attorney General of the United States asked then-U.S. Attorney Craig Carpenito to set up and lead a nationwide Hoarding and Price-Gouging Task Force to address this latter behavior. The District of New Jersey-led HPGTF was charged with implementing, among other statutes, the Defense Production Act (DPA), a Korean War-era law that had been little used for decades. The HPGTF and the prosecution model it followed, therefore, had to be built from the ground up. A handful of AUSAs, investigators and support staff did so under tremendous time pressure. The first HPGTF enforcement action was brought in the DNJ on March 30, 2020, and resulted in the seizure of such a large quantity of PPE that it was mentioned by the President of the United States in his daily COVID-19 press briefing on April 3, 2020. It also resulted in an assault charge against the defendant, who allegedly announced that he had COVID before deliberately coughing on the FBI agents executing his arrest.

Grand juries began meeting again in the District on May 29, 2020, although criminal trials did not resume until over a full year later, in June 2021. Due to enhanced social distancing and cleaning protocols, grand juries in all three vicinages meet less frequently than pre-pandemic. In addition, as of the summer of 2021, only one trial may take place in a vicinage at a trial, to avoid mixing different jury venires and jurors at juror control.

Despite all of these challenges, the women and men of the USAO have remained unwavering in their dedication to its mission. They

have done so at a time when they faced great personal challenges and, in some cases, loss. A number of employees suffered from COVID themselves; fortunately, all have recovered. Unfortunately, however, several lost parents, parents-in-law, or spouses to the virus. The personal impact of the pandemic thus will linger long after the professional challenges are behind us all.

Pictured: Elevator sign in Rodino Building, Newark.

