

# The Star-Ledger

## **There was an ‘immediate and clear breakdown’ between State Police, prosecutors on sex assault claim, report says**

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New Jersey officials released a report Tuesday that found an “immediate and clear breakdown” of communication between the State Police and county prosecutors amid a sexual assault investigation in 2017 that gained widespread attention.

But the 101-page review by an outside law firm found “no evidence of any improper or corrupt influence” by either the troopers who initially investigated the accusation or by the Sussex County Prosecutor’s Office, which ultimately decided not to pursue charges.

Details about the sexual assault investigation were first reported by northjersey.com and Newsweek.

Laura Gallagher alleged she was sexually assaulted outside a bar by a high school acquaintance in the early morning on Jan. 22, 2017. Troopers arrested Ian Schweizer, the son of a county official, according to the report. But prosecutors later decided there was not enough evidence to pursue charges, prompting both sides to accuse the other of impropriety.

NJ Advance Media does not usually name alleged victims of sexual assault, but Gallagher has publicly testified about her experience.

The review released Tuesday concluded that State Police and Sussex prosecutors each did what they believed was right.

Nonetheless, normal “investigative protocols were not followed,” investigators wrote, and “a woman who claimed to be the victim of a sexual assault came away with the belief that the criminal justice system – a system that is supposed to protect victims of crime – had failed her.”

The review partially blamed the breakdown on the state’s new bail reform law which changed the process for charging suspects.

Several people involved praised the report.

Gallagher’s attorney, Lauren Fraser, said the investigation was “thorough.”

The conclusion that prosecutors could have done a better job explaining their decision not to prosecute did provide a level of “vindication and closure,” Fraser said. “I think that’s going to make her feel at least a little bit better.”

Prosecutors had previously defended their actions to the Star-Ledger. In a statement Tuesday, Sussex County Prosecutor Francis Koch did not address his office's interactions with Gallagher but was harshly critical of the troopers who pushed for an arrest over prosecutors' objections.

"I agree that there was a breakdown on the part of the certain members of the NJSP Sussex Station regarding this matter, but deny any such breakdown by our office," Koch said. "Our actions were done solely in the interests of justice and our sworn ethical duties."

The head of a trooper's union declined to respond to Koch directly, but he said the review proved the troopers' integrity.

In the case's aftermath, some troopers were transferred. The State Troopers Fraternal Association successfully fought to move one trooper back to their original assignment and the union continues to fight disciplinary charges against another, according to union president Wayne Blanchard, who said he still questioned the outcome of the sexual assault investigation.

"I don't think justice has been served," Blanchard said.

Investigators also cleared the head of the State Police, Col. Patrick Callahan, of wrongdoing.

Callahan and other leaders had been accused of improperly intervening in the sexual assault case. The report said Callahan "acted in good faith" and "there is no evidence to support that those actions were the result of any corrupt or improper influence."

The accusations have hung over Callahan especially. Despite taking over in 2017, he has not been confirmed by the state Senate and remains an "acting" superintendent.

It was not immediately clear if Tuesday's report might clear the way for a vote. A spokesman for Senate President Steve Sweeney declined comment.

Representatives for the State Police and Schweizer's attorney did not immediately respond to requests for comment.

The report was released by the state attorney general's office, which in June hired former federal prosecutor Matthew Beck, an attorney with the law firm Chiesa Shahinian & Giantomasi, to lead the inquiry.