

# The Star-Ledger

## **Woman who made sex assault claim criticizes report clearing N.J. State Police, prosecutors of misconduct**

By Blake Nelson

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The woman at the center of a sexual assault investigation that led to a bitter fight between New Jersey State Police and county prosecutors on Wednesday criticized a new report that cleared law enforcement officials of wrongdoing.

In 2017, Laura Gallagher accused the son of a county official of shoving her into a car and groping her.

State troopers arrested the man, but the Sussex County Prosecutor's Office later decided not to bring charges, which led to formal complaints of misconduct and lawsuits that continue to this day.

A 101-page review of the case released Tuesday didn't find evidence of misconduct by officers or prosecutors, but it did fault the two agencies for an "immediate and clear breakdown" of communication.

On Wednesday, Gallagher said she was not satisfied with the conclusions in the report. It did little to restore her faith in the criminal justice system and didn't make her feel safer walking the streets, Gallagher said.

She said she's still haunted by the alleged assault and how the investigation played out. "I live with that everyday," she wrote in an email.

The review also offered a rare view of the tensions that can arise between officers that begin investigations and prosecutors tasked with seeing them through in court.

The report outlines how troopers and prosecutors disagreed about whether the case should go to a jury.

State leaders praised the review, which was conducted by an outside law firm.

Asked about it at his routine coronavirus briefing on Wednesday, Gov. Phil Murphy said he was "quite gratified" though "not surprised" that the head of the State Police had been cleared of misconduct.

"I know you (are) an extraordinary man of character and a great leader," Murphy said to Col. Patrick Callahan, acting superintendent of the State Police.

After troopers formally accused prosecutors of improperly dropping charges in 2017, Callahan told the county prosecutor about the accusations against his office. The head of

the trooper's union later said it was wrong to tell "the targets of the investigation that they were targets," but the report found Callahan was only making a "good faith" effort to "mend fences."

On Wednesday Callahan called the review "thorough" and "independent" — he said he hadn't received an advance copy and had just read it that morning — but he declined to comment further.

"It speaks for itself," Callahan said.

The report described confusion between troopers and prosecutors about the process for charging suspects.

At the time of the allegation, a new state law that largely eliminated cash bail also changed who signed off on arrests.

Rules from the state attorney general's office said officers needed "the express approval of an assistant prosecutor" in order to issue certain charges.

This was a "major shift in long-standing police procedures," the report said. Troopers "who had long-enjoyed the ability to exercise their discretion" were "no longer able to freely exercise that authority," investigators wrote.

Troopers arrested Ian Schweizer, the son of the then-head of the Morris County Municipal Utilities Authority, but prosecutors decided not to continue the case based on evidence available.

Tempers rose as the two sides fought over where troopers had jurisdiction. Yet "instead of taking a breath, slowing things down and trying to work through a problem, both sides dug in on their respective positions and assumed the worst from the other side," the review said. That "quickly led to a breakdown in process."

Gallagher and Schweizer have since each filed suit against each other. Those lawsuits remain active, their lawyers confirmed.

Schweizer's attorney, Robert Dunn, said he had not yet read the report but was glad for the review.

"There were rules in place, and they just weren't followed," Dunn told NJ Advance Media.

On Tuesday, Sussex County Prosecutor Francis Koch blamed troopers for any breakdown, and several troopers were transferred in the case's aftermath.

The head of the troopers union previously said they'd successfully stopped one trooper from being re-assigned and continued to fight disciplinary charges against another.

*NJ Advance Media staff writer Matt Arco contributed to this report.*