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## **GRAND JURY RETURNS “NO CAUSE OF ACTION” IN NEWARK NON-FATAL POLICE SHOOTING INCIDENT – JANUARY 27, 2017**

On November 30, 2017, an Essex County Grand Jury voted “no cause of action” regarding a Newark Officer who was involved in the non-fatal shooting of Z.M. on January 27, 2017. The investigative findings of the Prosecutor’s Office made prior to the Grand Jury Presentation are as follows:

At approximately 1:30 AM, Newark Officers 1 and 2 were on duty in the area of Springfield Avenue and N. 11<sup>th</sup> Street. At this time, the officers saw three vehicles driving erratically. Officer 1, who was driving, followed the vehicles to conduct a motor vehicle stop. The three vehicles initially pulled over and the officers exited their vehicle. The first vehicle was occupied by two individuals who complied with the officers’ instructions to turn off their vehicle and remain in the car.

Unlike the first vehicle, the second and third vehicles did not comply with the officers’ instructions. The second vehicle reversed at a high rate of speed directly at Officer 1 who drew his weapon and was nearly struck by the car. This vehicle then managed to drive away while nearly striking Officer 2 whose hand hit the vehicle as it accelerated at a high rate of speed. Immediately after this, the third vehicle sped directly at Officer 2 who was standing behind the first vehicle. In fear of being struck and pinned between the two cars, Officer 2 discharged his weapon twice at the vehicle as he attempted to get out of the way. One bullet struck the driver, Z.M, who then drove to the hospital and was treated for his injury, which was not life threatening. Z.M.’s blood alcohol level was found to be over the legal limit.

The Essex County Prosecutor’s Office investigated this incident and obtained all relevant evidence. This case was then presented to an Essex County Grand Jury. The Grand Jury was instructed in accordance with the Model Grand Jury Instructions on Police Use-of-Force issued by the Office of the New Jersey Attorney General. After hearing all of the evidence, the Grand Jury declined to indict either officer.

This entire matter has been reviewed by The Essex County Prosecutor. The investigation was conducted in full compliance with the provisions of Law Enforcement Directive Number 2006-5 and the Supplement issued by the Office of the New Jersey Attorney General on December 13, 2006 and July 28, 2015, regarding uniform statewide procedures and best practices for conducting police use of force investigations and presentation to a Grand Jury.

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