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VETERANS COURTHOUSE
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ATTORNEY GENERAL CONCLUDES THAT USE OF DEADLY FORCE WAS JUSTIFIED IN APRIL 6, 2017 POLICE SHOOTING IN NEWARK

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on April 6, 2017, by two Newark Police Officers (Officers 1 and 2) and has concluded that the use of deadly force was legally justified. The ECPO has determined that it is not necessary to present this matter to the Grand Jury because there are no material facts in dispute. The entire investigation was conducted in accordance with the July 28, 2015, Attorney General Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police Use of Force Investigations ("Directive"). In addition, pursuant to the Directive, the Attorney General's Office independently reviewed and concurred with the ECPO's determination that there are no material facts in dispute and that the use of deadly force by Officers 1 and 2 in this case was legally justified. As such, the Attorney General's Office concurred with the ECPO that it is not necessary to present this matter to the Grand Jury.

The ECPO's Professional Standards Bureau responded to the scene and investigated the shooting. Two officers discharged their weapons. Detectives from the Prosecutor's Office canvassed the area looking for possible witnesses, took photographs, and recovered evidence.

The following is a summary of the Prosecutor's Office investigation in this matter: On April 6, 2017, at approximately 5:00 p.m., Officers 1 and 2 of the Newark Police responded to an apartment building on Hunterdon St. on a call of a suspect with a shotgun. They arrived on the scene and spoke to a man standing in the street who told them that the suspect with the shotgun had just entered the apartment building. Both Officers entered the building to search for the suspect and any victims or witnesses. After searching a vacant apartment in the building, Officers 1 and 2 saw the suspect coming down the central staircase of the building toward them while holding a shotgun. Officer 1 ordered the suspect to drop the weapon but the suspect refused and instead lowered the shotgun toward Officer 1. Both Officers 1 and 2 fired their weapons. The man fired his shotgun and continued down the stairway. Officers 1 and 2 stayed in the vacant apartment until backup police officers arrived on the scene. Once more officers arrived and informed Officers 1 and 2 that it was safe to leave the apartment, they saw the suspect lying in the foyer of the building with apparent gunshot wounds. The suspect's shotgun was next to him on the floor. The suspect was later pronounced dead from his wounds. Officers 1 and 2 were not injured.

Officers 1 and 2 provided sworn statements regarding the incident. In the statements, both officers say that they saw the suspect's shotgun and fired at the suspect out of fear for their own and each other's lives.

The man who spoke to Officers 1 and 2 on the street prior to the shooting also provided a sworn statement regarding the incident. In his statement, he said that the suspect was walking down the street with a shotgun and had taken him hostage at gunpoint before releasing him immediately prior to the arrival of the Officers.

The individual who had called 911 also provided a sworn statement. In her statement, she said that she lived across the street from where the shooting occurred. She said that she called police because she saw the suspect walking down the street while carrying a shotgun.

Legal Conclusion

Applying the relevant statutes and the Attorney General's Directive to the undisputed material facts outlined above, the use of deadly force by Officers 1 and 2 was justified pursuant to N.J.S.A. 2C:3-4a, which states "the use of force upon or towards another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion." The law defines a "reasonable belief" as one which would be held by a person of ordinary prudence and intelligence. Officers 1 and 2 indicated that they believed their lives were in danger and an independent analysis of the undisputed facts concluded that this belief was reasonable and justified the use of deadly force pursuant to the Attorney General's Guidelines.