

OFFICE OF THE ESSEX COUNTY PROSECUTOR

ROBERT D. LAURINO
ACTING ESSEX COUNTY PROSECUTOR

Tel: (973) 621-4700

Fax: (973) 621-5697

QUOVELLA M. SPRUILL
ACTING CHIEF OF PROSECUTOR'S DETECTIVES



VETERANS COURTHOUSE
NEWARK, NEW JERSEY 07102

ATTORNEY GENERAL CONCLUDES THAT USE OF DEADLY FORCE WAS JUSTIFIED IN APRIL 25, 2017 POLICE SHOOTING IN NEWARK

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on April 25, 2017, by a Newark Police Officer 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 the Officer 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. One Officer ("Officer 1") discharged his weapon. Detectives from the Prosecutor's Office canvassed the area looking for possible witnesses, conducted numerous interviews, took photographs, and recovered evidence.

The following is a summary of the Prosecutor's Office investigation in this matter: On April 25, 2017, Officer 1 responded to S. 17th St. and South Orange Ave. in Newark based on an anonymous tip giving the location of a suspect who was wanted for questioning for a recent shooting at that location. Officer 1 arrived at the scene with two other officers, Officer 2 and Officer 3, in two unmarked police cars. They spotted the suspect sitting in the driver's seat of a running, parked car with another man. Officer 1 and Officer 2 approached the car on foot and illuminated the inside of the car with flashlights. Officer 1 drew his handgun and ordered the two men to raise their hands and get out of the car. The passenger raised his hands, but the driver did not respond to the officers' commands. Neither man got out of the car. Officer 1 then saw the suspect reach into the center of the car and retrieve a handgun while Officer 2 was standing next to the driver's side door of the car. Officer 1 fired his weapon twice at the suspect. The suspect then put his car into reverse and drove into the car being driven by Officer 3. Officer 3 then drove his car into the suspect's car in an attempt to disable it or block it from hitting Officers 1 and 2, who were standing near the suspect's car. The suspect then drove his car toward Officer 2 in an attempt to escape. Officer 1 again fired his weapon at the suspect. The suspect was able to drive his car away from the scene. A few blocks away, the suspect collided with another motorist and his vehicle came to a stop. He was taken to the

hospital where he was pronounced dead from gunshot wounds. A loaded handgun was found near his feet. The officers were not injured.

Officer 1 provided a sworn statement regarding the incident. In his statement, he said that he was in fear for his own life and the life of Officer 2 when he fired his weapon.

The passenger in the suspect's car also provided a sworn statement. In his statement, he said that he only got into the suspect's car to purchase marijuana and was unaware that the suspect had a gun and was wanted for questioning.

Surveillance video from a nearby building showed the officers approaching the suspect's car and showed the suspect ramming his vehicle into the police vehicles in an attempt to get away. The video corroborated the statement of Officer 1.

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 Officer 1 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. Officer 1 indicated that he believed his life and the life of Officer 2 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.

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