

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

ESSEX COUNTY PROSECUTOR'S OFFICE CONCLUDES THAT USE OF DEADLY FORCE WAS JUSTIFIED IN MAY 2, 2017 POLICE SHOOTING IN NEWARK

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on May 2, 2017, by a Newark Police Officer ("Officer 1"), and has concluded that the use of deadly force was legally justified. ECPO determined that it is not necessary to present this matter to the Grand Jury because there were no material facts in dispute regarding the lawfulness of this use of force. The 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"). Pursuant to the Directive, the Attorney General's Office conducted an independent review of the use of force and agreed with ECPO's determination that there were no material facts in dispute and that the use of deadly force by Officer 1 in this case was justified. The Attorney General's Office concurred with ECPO that it is not necessary to present this matter to the Grand Jury.

The incident occurred on May 2, 2017, at approximately 9:30 pm, in the area of Sylvan Avenue and Summer Avenue. Newark police responded to the report of a Robbery at a nearby auto shop. Civilian victims and witnesses pointed out the suspect who was fleeing on foot toward Greenwood Lake. Officer 1 gave chase as the suspect jumped over a fence into the rear yard of a Verona Avenue commercial building. Officer 1 gave verbal commands for the suspect to stop, but the suspect continued to flee. Officer 1 caught up with the suspect and a struggle ensued. The suspect again attempted to flee again, and another struggle ensued. Officer 1 drew his weapon and the suspect attempted to disarm the officer. Officer 1 fired his weapon, striking the suspect. The suspect attempted to flee. Officer 2 responded and the suspect was apprehended following a struggle between the suspect and Officer 2. The suspect, Officer 1, and Officer 2 were treated for injuries sustained during this encounter.

The ECPO Professional Standards Bureau responded to the scene to investigate this officer-involved shooting. Investigative personnel from ECPO canvassed the scene, took photographs and recovered evidence. Statements were obtained from civilian victims, civilian witnesses, and law enforcement witnesses. Specific findings concerning the factual surroundings of the incident were submitted to the Attorney General's Office for review.

Applying the relevant statutes and the 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:3-4(a), Use of Force in Self-Protection. This law states that "the use of force upon or toward 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 he was in fear for his life during this encounter with the suspect, and an independent analysis of the undisputed material facts led to the determination that this belief was reasonable. Therefore, the use of deadly force was justified pursuant to all applicable laws and the Attorney General Guidelines.

PSB#2017-131