

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 10, 2017 EAST ORANGE POLICE FIREARMS DISCHARGE

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on May 10, 2017, by an East Orange Police Officer, 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 the Officer 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 10, 2017, at approximately 7:30 p.m. when the Officer was assigned to a fixed post in his marked patrol unit on the west side of North Munn Avenue, just south of Park Avenue. The officer heard gun shots and then observed a male running north on North Munn Avenue in his direction. The officer exited his vehicle and ordered the suspect to drop his weapon, but the suspect did not comply. The officer then fired at the suspect who dropped his weapon and ran south on North Munn Avenue. The officer pursued the suspect a short distance on foot before having an asthma attack.

The Essex County Prosecutor's Office Professional Standards Bureau and Crime Scene Unit conducted an investigation of the firearms discharge. Forensic evidence was collected, police reports were submitted and reviewed, surveillance footage was downloaded and witness statements were obtained.

Surveillance video was obtained from several locations. The video footage shows the suspect running toward the officer and raising a gun in his direction. It is at this point that the officer fired his weapon. A statement was taken from a civilian witness corroborating the video footage and officer's version of events. The witness also observed the unidentified individual shooting at a vehicle just prior to the officer's encounter with the individual.

[Click here and type name]

Page 2 of 2

[Click here and type date]

Applying the relevant statutes and the Directive to the undisputed material facts outlined above, the use of deadly force by the Officer 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. The Officer indicated that he believed his life was in danger, 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.