

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 JUNE 11, 2017 POLICE SHOOTING IN EAST ORANGE

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on June 11, 2017, by an East Orange 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 June 11, 2017, at approximately 5:00 pm, at a residence on Midland Avenue in East Orange. Police responded to an emergency call for service from a family member who reported being attacked by another family member. She indicated the suspect had strangled her and was still inside the house, armed with a knife, and threatening to kill people, including the police if they responded to the location. Officer 1 and Officer 2 responded and encountered the armed suspect inside the house. He did not comply with police instructions to surrender the weapon, and locked himself inside a bedroom.

After continued communication and multiple warnings to the suspect that they were going to enter the room, the officers entered with protective shields. The suspect pushed back on the officers, and lunged at Officer 1. The suspect attempted to stab Officer 1 with a bladed weapon, by reaching around and under his shield. The suspect made contact with the Officer's shirt causing a tear, and the officer discharged one round at the suspect from his department-issued duty firearm. The suspect was not struck, and was immediately apprehended.

The ECPO Professional Standards Bureau responded to the scene to investigate this officer-involved shooting. Ballistic evidence was collected as well as police reports and video footage. Statements were obtained from civilian 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 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.