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GRAND JURY RETURNS “NO CAUSE OF ACTION” IN NOVEMBER 7, 2017 NEWARK POLICE NON-FATAL FIREARM DISCHARGE

On May 18, 2018, an Essex County Grand Jury voted “no cause of action” with regard to a Newark Officer who was involved in a non-fatal firearm discharge on November 7, 2017. The Essex County Prosecutor’s Office Professional Standards Bureau and Crime Scene Unit investigated the firearms discharge. Forensic evidence was collected, police reports were submitted and reviewed, surveillance footage was downloaded and witness statements were obtained. The Prosecutor’s Office investigative findings are as follows:

On November 7, 2017, a Newark officer was off-duty and parked in front of his residence at approximately 12:30 AM. He was listening to music while finishing a cigar before entering his home. While seated in his car, the officer was approached by two individuals. The individual on the driver’s side door pointed a handgun at the officer through the open window and told him not to move. The second suspect opened the passenger’s side front door and took the officer’s phone from the seat. Both suspects then began to back away from the vehicle. The officer exited his car, took cover behind his driver’s side door and announced that he was a police officer. The officer then heard shots being fired and, fearing for his life, returned fire at the suspects. The individual with the gun entered the backseat of a nearby getaway vehicle. The other suspect was unable to enter the car before it sped away.

The second suspect ran into a backyard to flee the scene. The officer approached the area where the suspects were located during the encounter and observed casings and blood on the ground. In the meantime, an individual called the police and reported that there was a man bleeding around the corner. The officer responded to the location along with other officers and EMS personnel. The officer positively identified the individual bleeding as the man who robbed him at gunpoint. The suspect who was shot during the gunfire exchange sustained non-life-threatening injuries. Ballistics evidence recovered at the scene corroborated that both the officer’s gun and another firearm were discharged during the encounter.

All relevant evidence in this case was presented to an Essex County Grand Jury. The Grand Jury was instructed on potential criminal charges against the officer. The Grand Jury was also instructed on the use of force and use of self-defense in law enforcement guidelines. The Grand Jury declined to indict the officer.

This entire matter has been reviewed by the Essex County Prosecutor. The investigation was conducted in full compliance with the provisions of Law Enforcement Directive Number 2006-5 and the Supplemental Directives issued by the Office of the New Jersey Attorney General on December 13, 2006 and July 28, 2015, regarding uniform statewide procedures and best practices for conducting police use of force investigations and presentation to a Grand Jury.