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GRAND JURY RETURNS "NO CAUSE OF ACTION" IN MARCH 12, 2018 NEWARK POLICE NON-FATAL FIREARMS DISCHARGE

On December 11, 2018, an Essex County Grand Jury voted "no cause of action" regarding a Newark Officer who was involved in a non-fatal firearms discharge on March 12, 2018. 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, dash-mounted and Body-Worn Camera footage was downloaded, and witness statements were obtained. The Prosecutor's Office investigative findings are as follows:

On March 12, 2018, multiple marked units from the Newark Police Department responded to a report of a stolen vehicle occupied by two male suspects. The first two uniformed Newark officers on scene discovered two men asleep in the vehicle. Seconds later, a backup unit consisting of two additional uniformed officers arrived on scene. During the investigation, the driver of the vehicle, despite repeated commands to stop, put the vehicle into drive. The suspect then drove toward one of the backup officers while dragging another officer with the vehicle. Fearing for his life and the life of the officer being dragged, the backup officer discharged three rounds from his department-issued duty weapon at the driver. The vehicle crashed a short distance away, where both suspects were taken into custody. Neither the suspects, nor any officers were injured during the incident.

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, self-defense, and defense of others in law enforcement guidelines. The Grand Jury declined to indict the officer.

The entire matter has been reviewed by the Essex County Prosecutor. The investigation was conducted in full compliance with the Attorney General's Independent Prosecutor Directive (July 28, 2015, Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police Use of Force Investigations), which establishes uniform statewide procedures and best practices for conducting police use of force investigations and presentation to the Grand Jury.