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## **ESSEX COUNTY PROSECUTOR'S OFFICE CONCLUDES THAT USE OF DEADLY FORCE WAS JUSTIFIED IN AUGUST 18, 2017 FATAL POLICE SHOOTING IN BLOOMFIELD**

The Essex County Prosecutor's Office ("ECPO") has completed its investigation into the use of deadly force on August 18, 2017, by a Bloomfield 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's conclusion to forego presentation of this matter to the Grand Jury.

On August 18, 2017, at approximately 8:00 a.m., Officer 1 responded to a residence in the area of Greenbrook Drive, Bloomfield, New Jersey, following the report of a domestic violence incident. The victim was outside the residence and attended to by EMS. The suspect, reported to be suicidal, was still inside the residence. Additional police officers responded to the scene and entered the residence along with Officer 1. The officers located the suspect in an upstairs bedroom. The suspect was clutching a knife in his hand and bleeding heavily from a self-inflicted sharp force wound to the neck. Officers ordered the suspect to drop the knife, however the suspect did not comply. Officers attempted to verbally convince the suspect to surrender and receive medical treatment, however the suspect refused.

The suspect, still brandishing the knife, approached the officers who were standing in the threshold of the bedroom door. The suspect failed to comply with police commands to drop the knife, and then attempted to close the bedroom door twice. The officers re-opened the door each time, and subsequently deployed pepper spray. The suspect continued to disregard police commands. Officer 2 entered the bedroom with a piece of wood, in an attempt to disarm the suspect. The suspect moved toward Officer 2, and lunged at him while making stabbing motions with the knife. Officer 1, observing this conduct from the threshold of the bedroom door, fired two rounds at the suspect, striking him both times. The suspect was treated by EMS, but later succumbed to his injuries.

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, including a suicide note emailed by the suspect shortly before the incident. Statements were obtained from civilians and law enforcement personnel including but not limited to Officer 1 and Officer 2. 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:3-5, Use of Force In Protection of Others. This law states that "the use of force upon or toward another person is justifiable to protect a third person when: (1) The actor would be justified under section 2C:3-4 in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect; and (2) Under the circumstances as the actor reasonably believes them to be, the person whom he seeks to protect would be justified in using such protective force; and (3) The actor reasonably believes that his intervention is necessary for the protection of such other person." N.J.S.A. 2C:3-4(a), Use of Force in Self-Protection, 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 situated as the actor was.

Officer 1 indicated he was in fear for the life of Officer 2 during this encounter with the suspect as well as his belief that Officer 2 could not have adequately protected himself given the surrounding circumstances. An independent analysis of the undisputed material facts led to the determination that his beliefs were reasonable. Therefore, the use of deadly force was justified pursuant to all applicable laws and the Attorney General Guidelines.