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GRAND JURY RETURNS “NO CAUSE FOR ACTION” IN NEWARK POLICE OFFICER FIREARM DISCHARGE ON MARCH 9, 2019

On November 3, 2021 an Essex County Grand Jury voted “no cause for action” regarding an off-duty Newark Police officer-involved firearm discharge on March 9, 2019. The Prosecutor’s Office made the following investigative findings prior to the Grand Jury presentation:

At approximately 2:14 p.m. an off-duty Newark Police Officer parked her personally owned vehicle outside of 556 Hawthorne Avenue in the City of Newark. The officer exited her vehicle with her seven-year-old daughter while her twelve-year-old daughter remained inside of the vehicle. A male juvenile then entered the officer’s vehicle and drove east on Hawthorne Avenue with the officer’s twelve-year-old daughter in the backseat.

The officer pursued her vehicle on foot as it turned south onto Schley Street. The officer’s twelve-year old daughter exited the vehicle and the officer discharged two rounds from her duty weapon at the driver. The vehicle then fled south toward Nye Avenue. The officer remained on Schley Street with her daughters and reported the incident to Newark Police.

The officer’s vehicle was located later that day at 92 Hansbury Avenue in Newark. An examination of the vehicle did not reveal any ballistic strikes or other evidence that the driver was struck by gunfire. The driver was arrested later that day and had no visible signs of injury.

The Essex County Prosecutor’s Office investigated this incident and obtained all relevant evidence. This case was presented to an Essex County Grand Jury. The Grand Jury was instructed in accordance with the Model Grand Jury Instructions on Police-Use-of-Force issued by the Office of the New Jersey Attorney General. After hearing all the evidence, the Grand Jury declined to indict the officer.

The Essex County Prosecutor’s Office Professional Standards Bureau investigated this incident and obtained all relevant evidence. The investigation was conducted in accordance with the Attorney General’s Independent Prosecutor Directive, issued in 2006, strengthened in 2015, and expanded in 2019.

This case was presented to an Essex County Grand Jury. The Grand Jury was instructed in accordance with the Model Grand Jury Instructions on Police-Use-of-Force issued by the

Office of the New Jersey Attorney General. After hearing all the evidence, the Grand Jury found that the officer's actions were justified. An officer may use deadly force in New Jersey when the officer reasonably believes it is immediately necessary to protect the officer or another person from imminent danger or death or serious bodily harm.

A conflicts check was conducted pursuant to the Independent Prosecutor Directive and no actual or potential conflict of interest was found involving any individual assigned to the investigation. At the conclusion of these investigations the Essex County Prosecutor's Office refers the matter to the appropriate law enforcement agency for administrative review in accordance with the Attorney General's Internal Affairs Policy & Procedures. This entire matter has been reviewed by the Essex County Prosecutor.

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