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GRAND JURY RETURNS “NO CAUSE FOR ACTION” IN IRVINGTON POLICE OFFICER FIREARM DISCHARGE ON NOVEMBER 30, 2020

On September 30, 2021 an Essex County Grand Jury voted “no cause for action” regarding an Irvington Police officer-involved firearm discharge on November 30, 2020. The Prosecutor’s Office made the following investigative findings prior to the Grand Jury presentation:

At approximately 3:10 a.m. an Irvington Police Officer observed a running vehicle that was left unattended at the Speedway Gas Station at 543 Lyons Avenue. Two males approached the vehicle, and one began to attempt to pump his own gas without waiting for the station attendant. The male had difficulty opening the gas tank and inserting the gas nozzle into the vehicle’s filler pipe, and he appeared unfamiliar with the vehicle. The officer ran the vehicle’s license plate and discovered that the vehicle had been reported stolen.

The officer exited her police vehicle and approached the second male who was standing near the suspect vehicle’s trunk. He immediately pulled away from the officer. The male who had been pumping gas entered the driver’s seat and began to slowly drive the suspect vehicle away. The officer opened the suspect vehicle’s front passenger door and observed a black handgun tucked between the driver’s seat and the center console. As the officer attempted to detain the second male, the suspect vehicle continued to drive away with its rear driver’s side door open. The driver turned and pointed a handgun at the officer and stated “Come on, yo, Come On” to the other male. The officer fired five rounds from her duty-issued weapon at the driver. The second male dove into the suspect vehicle’s open rear door, and the suspect vehicle drove away at high speed. Other police units were not able to stop the fleeing vehicle. The suspect vehicle was later recovered and observed with two ballistic strike marks on the driver’s side rear fender. The suspects were not identified, and the investigation found no evidence that the suspects were injured during the incident.

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.