

# OFFICE OF THE ESSEX COUNTY PROSECUTOR

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### **GRAND JURY RETURNS “NO CAUSE FOR ACTION” IN NEWARK POLICE DETECTIVE FIREARM DISCHARGE ON APRIL 14, 2021**

On May 4, 2022 an Essex County Grand Jury voted not to file any criminal charges at the conclusion of its deliberations regarding a Newark Police officer-involved firearm discharge on April 14, 2021.

At approximately 4:40 p.m. an off-duty Newark Police Detective wearing civilian clothes entered the Lily Street Market and Deli at 701 Summer Avenue. An individual entered the store wearing a blue hooded sweatshirt with the hood pulled tightly over a white cloth that fully covered his face. The individual pointed a black handgun at the detective’s head and demanded that the detective give him his wallet. The individual then pointed the gun at the cashier and demanded that she give him money. The detective handed cash to the individual, and the individual again pointed the gun at the detective and ordered him to stand near the deli. The individual pointed the gun at the cashier, and she began to remove money from the register and place it on the countertop.

While standing near the deli, the detective withdrew his department-issued firearm and watched the individual. The individual again approached the detective with his handgun pointed at the detective’s torso. The detective turned around and confronted the individual. The two men struggled in the store. The detective stated that he was a police officer, but the individual stated that he did not believe him. When the detective determined that no civilians were in danger, he attempted to discharge two rounds from his duty-issued firearm, but the gun malfunctioned. The two men continued to struggle until the individual broke away and ran from the store. Believing the individual would begin to fire into the store, the detective took cover in an aisle.

When the detective realized that the individual had fled, he ran outside the store and observed the individual running east on Elliott Street. The detective communicated a description of the armed individual over police radio and began to follow the individual in an unmarked vehicle. From his vehicle, the detective observed the individual begin to remove his clothing and walk into a driveway behind an abandoned home. The detective parked his vehicle and followed the individual up the driveway on foot. The individual again pointed the handgun at the detective, and the detective fired two rounds that missed the individual. The detective ran back to the street and communicated “shots fired, shots fired,” his location, and a new description of the individual over police radio.

The detective located the individual between two homes on Elliott Street. He repeatedly stated “I’m a cop” and commanded the individual to “get down.” As the individual again ran east on Elliott Street two Newark Police vehicles arrived, and the individual surrendered to police custody.

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 of 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 this investigation, the Essex County Prosecutor’s Office referred 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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