

# Public Statement on Elizabeth Police Use of Force on September 13, 2015

In accordance with the Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive No. 2006-5, the Union County Prosecutor's Office is releasing the following public statement regarding the nonfatal use of deadly force by a law enforcement officer in Elizabeth, New Jersey.

At approximately 2:30 a.m. on Sunday, September 13, 2015, Elizabeth Police Department Officer #1 and Officer #2 were working an extra-duty security detail in full uniform at the Lobby Lounge on U.S. Routes 1&9 in Elizabeth. When the Lounge closed for the night, more than 200 people exited the building. Due to a large number of vehicles parked illegally in a nearby highway jughandle exit, an additional member of the Elizabeth Police Department was called in to assist with crowd and traffic control.

Around this time, a brief verbal dispute between two groups of male patrons escalated into a physical altercation. A private security guard yelled for assistance, and Police Officer #1, Police Officer #2, and newly arriving Officer #3 ran to the area of the jughandle to attempt to break up the fight.

Seconds after the males were separated, Officer #2 witnessed an Infiniti with tinted windows driving directly toward one of the men, striking him and throwing him a short distance into the air. The vehicle, which was heading in the wrong direction on the jughandle, then continued to accelerate directly toward Officer #2.

Vehicles parked illegally on the left side of the jughandle and on the grass in the center portion of the jughandle left

Officer #2 with no way to escape from the oncoming vehicle.

Officer #2 fired a single shot from his service weapon in the direction of the oncoming Infiniti. The car swerved past Officer #2, nearly striking a car entering the jughandle, and the driver then fled northbound on Routes 1&9.

It was unclear if the discharged round struck the Infiniti, as no bullet fragment was recovered from the scene. The man struck by the Infiniti was transported to Trinitas Regional Medical Center in Elizabeth, where he was treated for non-life-threatening injuries and released several hours later.

The injured pedestrian, the other two Elizabeth Police officers, and numerous witnesses were subsequently interviewed. No surveillance or traffic camera footage was recovered. The identity of the Infiniti's driver could not be determined.

In accordance with New Jersey Attorney General Law Enforcement Directive 2006-5, this matter was not presented to the Union County Grand Jury because no material facts were in dispute. The Union County Prosecutor's Office complied with all portions of Law Enforcement Directive 2006-5 regarding the investigation.

After a thorough review, the Prosecutor's Office determined that Officer #2's use of deadly force was legally justified. The New Jersey Office of the Attorney General also performed an independent review of this case and reached the same conclusion.