

# OFFICE OF THE ESSEX COUNTY PROSECUTOR

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**ON SEPTEMBER 7, 2023, THE STATE OF NEW JERSEY OFFICE OF THE ATTORNEY GENERAL CONCURRED WITH THE ESSEX COUNTY PROSECUTOR'S OFFICE THAT THE USES OF DEADLY FORCE WERE JUSTIFIED IN THE JULY 8-9, 2021 NON-FATAL POLICE SHOOTINGS BY ESSEX COUNTY SHERIFF'S OFFICERS AND NEWARK POLICE OFFICERS IN NEWARK JEW JERSEY**

Pursuant to the New Jersey Attorney General's Law Enforcement Directive No. 2019-4, the Office of the Attorney General has reviewed the completed investigation of the Essex County Prosecutor's Office ("ECPO") into the July 8-9, 2021 uses of deadly force in a non-fatal police involved shooting. ECPO concluded that the uses of deadly force by three (3) officers from the Essex County Sheriff's Department (ECSO) and three (3) officers from the Newark Police Department (NPD) were legally justified, and 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 the uses of force. The Attorney General's Office concurred with ECPO's conclusion to forego presentation of this matter to the Grand Jury.

On July 8, 2021, the ECSO Tactical Response Team (TRT) assisted the ECPO Narcotics Taskforce (NTF) by making entry on the execution of search warrants at 34 Clinton Place, Newark, New Jersey. The target of the search warrant, Mr. Hassan Grimsley, opened the inner door to his apartment and began firing a handgun at surrounding Sheriff's officers who returned fire. No one was injured at that time.

Residents of the building were evacuated for their safety, and over the course of the next approximately thirty (30) hours, law enforcement officers made exhaustive efforts to negotiate the safe surrender of Mr. Grimsley who remained armed with at least one (1) handgun throughout the entire encounter. Mr. Grimsley barricaded himself inside his apartment where he fired rounds within the apartment, repeatedly stated an unwillingness to surrender, and continuously implored officers to kill him.

On July 9, 2021, the NPD Emergency Services Unit (ESU) took control of the scene to continue negotiations and apprehend an increasingly agitated Mr. Grimsley. ESU officers strategically surrounded the location and were equipped with conducted energy devices (CED/Tasers), less lethal ammunition, and lethal weapons.

During negotiations, Mr. Grimsley pointed his firearm at an officer, and members of the ESU responded with tasers and less lethal ammunition. Mr. Grimsley then fired his handgun at the NPD officers, who responded with lethal gun fire. Mr. Grimsley was struck multiple times,

and Emergency Medical Services (EMS), already stationed in the building, responded immediately.

Mr. Grimsley survived his injuries and was arrested and later indicted on Attempted Murder, Controlled Dangerous Substances (CDS), weapons, and other charges. Large quantities of CDS and U.S. Currency, as well as multiple handguns, were recovered.

Applying the relevant statutes and then applicable New Jersey Attorney General's Use of Force Policy (6/00) ("the Policy") to the undisputed material facts detailed above, it was the ECPO's conclusion that the ECSO and NPD officers justifiably used deadly force in defense of self and/or others.

N.J.S.A. 2C:3-4(a), Use of Force in Self-Protection, provides that "the use of force upon or toward another person is justifiable when the actors reasonably believe that such force is immediately necessary for the purpose of protecting themselves against the use of unlawful force by such other persons on the present occasion." Likewise, the Policy at §I(B)(1) prescribes that "A law enforcement officer may use deadly force when the officers reasonably believe such action is immediately necessary to protect the officers or another person from imminent danger of death or serious bodily harm."

A reasonable belief is one which would be held by a person of ordinary prudence and intelligence situated as the actor was. The Policy, at §F(1), specifies reasonable belief as "an objective assessment based upon an evaluation of how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene."

N.J.S.A. 2C:3-5, Use of Force In Protection of Others, provides 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."

All of the officers who utilized deadly force indicated their beliefs that their lives, and/or other lives were in imminent danger when the suspect shot at them. They indicated that they believed they needed to utilize deadly force immediately in those moments in order to prevent themselves or another from getting shot. The subsequent investigation and an independent analysis of the undisputed material facts led to the determination that these beliefs were reasonable. Therefore, these uses of deadly force were justified pursuant to all applicable laws and the Attorney General Guidelines. This statement was prepared and disseminated to the public in accordance with §II(I) of the Directive.

PSB# 2021-193 & 2021-194.