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GRAND JURY RETURNS “NO CAUSE FOR ACTION” IN BAYONNE POLICE DEPARTMENT ON-DUTY FIREARM DISCHARGE ON SEPTEMBER 28, 2021

On April 2, 2024, an Essex County Grand Jury voted not to file any criminal charges at the conclusion of its deliberations regarding an on-duty Bayonne Police Department firearm discharge.

On September 28, 2021, Bayonne Police Department officers and Hudson County Prosecutor’s Office Municipal Task Force detectives were assigned to detect and deter catalytic converter theft in Bayonne. Honda CR-Vs, Honda Elements, and Toyota Priuses were the most common targets of catalytic converter theft. The officers were wearing civilian clothes with their badges displayed and vests with the word “Police” written in reflective white letters on the chest and back. The officers were driving unmarked vehicles that were equipped with red and blue emergency lights and sirens.

At approximately 4 a.m. the Bayonne officers observed a white Hyundai Elantra with heavily tinted windows double parked next to a Honda CR-V. The officers communicated the license plate number of the Hyundai, and dispatch confirmed that the license plate had been stolen. The officers continued to watch the Hyundai, and it slowly drove past other parked cars and stopped by a different Honda CR-V. The officers radioed their observations, and the other Bayonne Police units moved toward their location.

When the other Bayonne officers arrived, the suspect vehicle pulled head-first into the space next to a fire hydrant between a parallel parked Honda Element and a white pickup truck. A Bayonne Police sergeant instructed the officers to stop the suspect vehicle. The sergeant double parked his vehicle next to the white pickup truck. A second police vehicle drove up with its red and blue emergency lights flashing and double parked with its front bumper approximately parallel to the suspect vehicle’s rear tire, leaving a gap between the two police vehicles.

The sergeant approached suspect vehicle from the front with his right hand on his hip holster and his open left hand extended toward the suspect vehicle. The officers identified themselves as police and gave commands to “Stop” and “Get out of the vehicle.”

The suspect vehicle reversed and accelerated between the two police vehicles directly at the sergeant and a detective. The sergeant unholstered his firearm and fired five rounds at the driver of the vehicle. Neither officer was struck by the vehicle.

The suspect vehicle drove away at high speed and eluded the police. It was later found abandoned and determined to have been stolen. Five ballistic strike marks were observed on the driver's side of the suspect vehicle. No occupant of the suspect vehicle was identified. There was no blood or other evidence suggesting that an occupant of the vehicle was struck by gunfire. Inside the suspect vehicle was a battery-powered reciprocating saw, metal cutting blades, pairs of gloves, and a cut-off catalytic converter.

The investigation was conducted in accordance with the Attorney General's Independent Prosecutor Directive, issued in 2006, strengthened in 2015, and expanded in 2019. Since members of the Hudson County Prosecutor's Office were involved with the catalytic converter theft assignment, the Office of Public Integrity and Accountability appointed the Essex County Prosecutor's Office as the Independent Investigator of this matter to avoid the appearance of conflict. The Essex County Prosecutor's Office Professional Standards Bureau 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 considering testimony, video evidence, crime scene photographs, and instructions on the legal standards, 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 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.