

OFFICE OF THE ESSEX COUNTY PROSECUTOR

THEODORE N. STEPHENS, II ESSEX COUNTY PROSECUTOR

ESSEX COUNTY VETERANS COURTHOUSE, NEWARK, NEW JERSEY 07102

Tel: (973) 621-4700

Fax: (973) 621-5697



ALEXANDER B. ALBU
FIRST ASSISTANT PROSECUTOR

MITCHELL G. McGUIRE III
CHIEF OF DETECTIVES

ON FEBRUARY 5, 2026, THE STATE OF NEW JERSEY OFFICE OF THE ATTORNEY GENERAL CONCURRED WITH THE ESSEX COUNTY PROSECUTOR'S OFFICE THAT THE USE OF DEADLY FORCE WAS JUSTIFIED IN THE MARCH 26, 2023 NON-FATAL POLICE SHOOTING BY AN EAST ORANGE POLICE DEPARTMENT POLICE OFFICER IN EAST ORANGE, NEW JERSEY.

Pursuant to the New Jersey Attorney General's Law Enforcement Directive No. 2019-4 ("the Directive") the Office of the Attorney General has reviewed the completed investigation of the Essex County Prosecutor's Office ("ECPO") into the March 26, 2023 use of deadly force in a non-fatal police-involved shooting. ECPO concluded that the use of deadly force by a police officer with the East Orange Police Department ("EOPD") was 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 use of force. The Attorney General's Office concurred with ECPO's conclusion to forego the presentation of this matter to the Grand Jury.

On March 26, 2023, at approximately 9:11 a.m., two officers with the EOPD were in a patrol vehicle when they observed a stolen motor vehicle making an illegal U-turn in the middle of Park Avenue near a traffic signal. Both officers exited their patrol vehicle with their firearms out. One of the officers approached the stolen vehicle near the front passenger side area. That officer indicated that he observed the front seat passenger point a firearm at him through the front windshield. In response, the officer fired two rounds from his departmental issued firearm at the stolen vehicle.

While the stolen vehicle was conducting the U-turn in attempt to flee, it reversed into a civilian's vehicle that was waiting at the traffic signal. The stolen vehicle completed its U-turn and fled the scene. The officers remained at the scene and broadcasted the incident to dispatch.

At around 9:14 a.m., the stolen vehicle was reported driving at a high rate of speed on North Arlington Avenue. While near the intersection of Springdale Avenue, the stolen vehicle collided with a New Jersey Transit bus that did not have passengers occupying it. The bus driver steered the bus onto the lawn of a nearby church. The stolen vehicle stopped after it drove up a on a curb and struck a street sign. Witnesses observed multiple people fleeing from the area where the stolen vehicle crashed. No suspects were ever apprehended.

Pursuant to the Directive, a comprehensive conflicts check was conducted, and no actual or potential conflicts of interest were found involving any individuals assigned to the investigation. The Attorney General's Office designated the ECPO as the independent investigator, pursuant to the Directive.

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 Directive.

Applying the relevant statutes and the New Jersey Attorney General's Use of Force Policy (April 2022) ("the Policy") to the undisputed material facts detailed above, it was the ECPO's conclusion that the officer with the EOPD justifiably used deadly force in defense of 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 actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion."

The officer who used deadly force indicated a belief that his life was in imminent danger when the front seat passenger of the stolen vehicle pointed a firearm at him. The subsequent investigation and an independent analysis of the undisputed material facts led to the determination that this belief was reasonable. Therefore, this use of deadly force was justified pursuant to all applicable laws and the Attorney General Guidelines.

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 statement was prepared and disseminated to the public in accordance with the Directive.

PSB#: 2023-085