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Mercer County Prosecutor's Office Concludes Use of Force was Justified in February 4, 2015 Non-Fatal Police Shooting in Trenton

The Mercer County Prosecutor's Office (MCPO) has completed its investigation into the February 4, 2015 use of force by a detective of the Trenton Police Department, and has concluded that the use of force was legally justified. The MCPO determined 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 investigation was conducted in accordance with the Attorney General's Independent Prosecutor Directive (July 28, 2015, Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police Use of Force Investigations) ("the 2015 directive"). Pursuant to the 2015 directive, the Attorney General's Office conducted an independent review of the use of force and agreed with the MCPO's determination that there were no material facts in dispute and that the use of force by the officer in this case was justified. The Attorney General's Office concurred with the MCPO's conclusion to forego presentation of this matter to the grand jury.

On February 4, 2015, at approximately 1:45 a.m., members of the Mercer County Homicide Task Force (HTF) were activated to investigate this incident involving a detective of the Trenton Police Department (TPD). The investigation, which

encompassed statements of officers and witnesses, radio transmissions, photographs, and physical evidence, revealed the following facts:

On February 4, 2015, Trenton Police Detectives 1 and 2 were working in the capacity of an IMPACT Unit within the City of Trenton. IMPACT is designated for proactive crime suppression in high-crime areas. They were operating an unmarked police vehicle in which Detective 1 was driving and Detective 2 was the front passenger. At approximately 1:15 a.m., as they were traveling on Chestnut Avenue, their vehicle headlights illuminated the interior of a dark-colored Saab that was parked in front of 52 Chestnut Avenue and was facing in the direction of their vehicle. As their lights illuminated the passenger compartment of the Saab, it appeared that the driver of the vehicle leaned over in an attempt to not be detected. The officers then reversed their police vehicle in order to conduct a suspicious person investigation.

Detective 1 positioned the police vehicle's front driver's side in close proximity to the Saab's front driver's side. Detectives 1 and 2 then exited the police vehicle. Detective 1 proceeded to the front driver's side of the Saab and Detective 2 proceeded around the front of the Saab to the rear driver's side. The detectives were unable to determine if there were any other occupants in the vehicle because the Saab had tinted side windows. Both officers observed that the Saab then shifted into gear. Detective 2 turned to proceed back to the police vehicle in order to follow the Saab, which he believed was about to flee the area.

Detective 1 maintained a visual of the suspect in the vehicle. He observed that the suspect, later identified as Jeremiah Sanchez, was moving around in the vehicle. Detective 1 could not see the suspect's hands so he drew his weapon and brought it up to the ready position. The suspect vehicle then began to move forward and Detective 1 tried to step to the side, but his police vehicle was directly to his right. The suspect vehicle hit Detective 1's knee and the tire drove up onto his left boot. Fearing that he was going to get pinned between his police vehicle and the Saab or pulled under the Saab, Detective 1 fired a shot at the suspect. As Detective 1 was hit by the suspect vehicle, he continued to move with the Saab and as he was going down to the ground, he fired his second shot in the direction of the suspect vehicle. Detective 1 fired a third and final shot in the direction of the suspect vehicle when he tried to regain his stance. The suspect accelerated his vehicle past the police vehicle and proceeded on Chestnut Avenue toward East State Street and out of sight.

A vehicle pursuit by responding officers ensued. The pursuit ultimately ended with the suspect vehicle crashing on East State Street in Hamilton Township. Jeremiah Sanchez was taken into custody and transported to Capital Health Regional Medical

Center in Trenton where he was admitted for his injuries, which consisted of a gunshot wound to the left side of this neck, a gunshot wound to the right bicep and a laceration to the forehead.

Detective 1 was transported to Robert Wood Johnson University Hospital Hamilton (RWJUHH) for medical treatment. He was treated for left foot pain and a contusion of his left knee as a result of the encounter with Sanchez.

Detectives assigned to the investigation were advised that the suspect in this incident was involved in a domestic violence incident that occurred a few hours prior to the shooting. The detectives were further advised that the officers involved in the police shooting were unaware of the earlier domestic violence incident at the time of the shooting.

Detectives assigned to the investigation proceeded to the scene at East State Street and Nottingham Way, where the suspect vehicle ultimately crashed. The Saab driven by Sanchez was resting in front of 1739 East State Street and had sustained heavy damage. Blood could be seen in the front passenger compartment and a blue beer can was observed between the front passenger seat and door. The Saab was photographed by the before being towed to the NJSP Laboratory pending application of a search warrant.

Applying the 2015 directive to the undisputed material facts outlined above, the use of force by Detective 1 was justified pursuant to N.J.S.A. 2C:3-4, Use of Force in Self-Protection. The statute states 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 law defines a “reasonable belief” as one which would be held by a person of ordinary prudence and intelligence situated as the actor was.

The detective believed that discharging his weapon was necessary for the protection of his life. An independent analysis of the undisputed material facts led to the determination that the detective’s beliefs were reasonable, and the use of force in this matter was justified pursuant to all applicable laws and the Attorney General Guidelines. This statement was prepared and disseminated to the public in accordance with §8 of the 2015 directive.

A law enacted in January 2019 requires that the Attorney General’s Office conduct investigations of a person’s death that occurs during an encounter with a law enforcement

officer acting in the officer's official capacity or while the decedent is in custody. This deadly force investigation preceded enactment of that law, therefore the investigation was conducted by the MCPO and reviewed by the Attorney General's Office in accordance with the 2015 directive, which established strict procedures for conducting such investigations.

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