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**FOR IMMEDIATE RELEASE**  
January 7, 2022

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### **Mercer County Prosecutor's Office Concludes That Use of Force was Justified in September 29, 2019 Non-Fatal Police Shooting in Trenton**

The Mercer County Prosecutor's Office (MCPO) has completed its investigation into the September 29, 2019 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 then applicable Attorney General's Independent Prosecutor Directives (July 28, 2015 Attorney General Supplemental Law Enforcement Directive Regarding Uniform Statewide Procedures and Best Practices for Conducting Police Use of Force Investigations and the Independent Prosecutor Directive 2019-4)<sup>1</sup>("Directives"). Pursuant to the Directive, the Attorney General's Office conducted an independent review of the use of force and agreed with MCPO's determination that there were no material facts in dispute and that the use of force by the officer was justified. The Attorney General's Office concurred with MCPO's conclusion to forego presentation of this matter to the Grand Jury.

The incident occurred on September 29, 2019, at approximately 4:03 p.m., at 1901 Calhoun Street in Trenton (Valcar Auto Sales). Trenton Police Department Communications received an activation of six gunfire rounds through ShotSpotter, a gunfire detection and location technology providing scalable and reliable gunfire alert and analysis. It was learned that this was an officer-involved shooting involving a suspect,

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<sup>1</sup> Because this incident involved a non-fatal injury, presentation to the grand jury was not required under Senate Bill 1036, which modified N.J. Statutes 52:17B-107, and requires the Attorney General to conduct investigations of fatal police encounters and present the them to the Grand Jury

later identified as Joseph Reeves, who was shot in the head, upper body, and mid body by a Trenton Police detective and emergency medical services responded to the scene and located Reeves, who was transported to Capital Health Regional Medical Center where he underwent surgery. At approximately 4:10 p.m., the Mercer County Homicide Task Force was activated to investigate. The investigation, including statements of three officers and one civilian witness, and physical evidence revealed the following:

The detective was scheduled to work his shift on September 29, 2019 from 3 p.m. until 3 a.m. the following day. The detective left the roll-call briefing dressed in a black Trenton Police "SWAT" sweatshirt and green cargo style pants.

While leaving Trenton Police Headquarters, the detective turned on his department-issued police radio and learned that a shooting had just occurred in the area of East Hanover and North Montgomery Streets. There was a broadcast that the suspect vehicle was possibly a silver Ford Fusion with damage to the rear/trunk area. The detective left Headquarters and drove toward a location he believed the suspect would flee from East Hanover Street. While stopped at a red light at Calhoun and Southard Streets, the detective observed a silver Kia Optima sedan traveling on Calhoun Street toward Princeton Avenue/Route 206. The detective observed that the rear driver's side window was "blown out," as if the result of gunfire. The detective also observed a large dent to the rear/trunk area of the vehicle. He broadcasted his observations to the other detectives via Trenton Police Communications. The detective further advised that the vehicle's make and model were somewhat different than the original description; however, the vehicles are similar in appearance.

The detective followed the silver Kia Optima on Calhoun Street toward West Miller Street. Once the vehicle arrived in this area, the Kia made an abrupt left into the parking lot at 1901 Calhoun Street (Valcar Auto Sales). While waiting for backup, the detective observed the suspect vehicle enter the back corner of the gravel/dirt parking lot. As the Kia remained in the rear of the lot, the detective decided to make contact.

The detective drove his vehicle into the parking lot area of 1901 Calhoun Street and parked roughly seven to ten yards behind the Kia. The detective exited his vehicle, un-holstered his department-issued Glock .40 caliber handgun, identified himself as a police officer, and gave verbal commands to the Kia's driver to stay here he was. The driver, later identified as Joseph Reeves, looked over his shoulder and made eye contact with the detective. Reeves then put the Kia in reverse and drove backwards toward the detective, who took cover behind his vehicle as Reeves crashed the Kia into the side of the detective's vehicle. Reeves then placed the Kia in drive and pulled away, passing in front of the detective. While doing so, Reeves raised a "shiny" silver handgun and pointed it in the detective's direction. In response to having the gun pointed at him, the detective fired his department-issued duty weapon at Reeves, striking him and the Kia several

times. Reeves crashed into an unoccupied parked SUV inside the parking lot of 1901 Calhoun Street.

The detective approached the Kia on the driver's side. He observed Reeves open the door and exit the vehicle with his hands raised. Reeves stated, "You shot me," and immediately dropped to his knees and kept his hands in the air. The detective approached Reeves and handcuffed him. Within minutes, backup officers arrived and radioed for medical assistance and additional officers. While securing the scene, officers observed and recovered a large silver revolver on the driver's side floorboard of the Kia.

A civilian witness confirmed that he observed a police officer exit his vehicle and order the occupant of another vehicle out of the car.

In conformance with Trenton Police Department policy, a blood draw was taken from the detective. Laboratory analysis of all of the blood samples yielded negative findings for either ethyl alcohol or any impairing drugs at the time of this incident.

As a result of the investigation, Joseph Reeves was indicted for this incident as well as the incident at East Hanover and North Montgomery streets, which occurred prior to this encounter. He was charged with first- and second- degree weapons and assault offenses. On November 12, 2021, Reeves, pleaded guilty to second-degree aggravated assault and fourth-degree aggravated assault. He stated on the record that he pointed a revolver at Det. Mancheno under circumstances manifesting extreme indifference to the value of human life. Reeves is scheduled to be sentenced on January 14, 2022.

Applying the Directives to the undisputed material facts outlined above, the use of force by the detective was legally justified. Under the *Attorney General's Use of Force Guidelines (Rev. June 2000)*, an officer may use deadly force when he or she reasonably believes it is "immediately necessary to protect the officer . . . from imminent danger of death or serious bodily harm." *Sec. I.B.1*. The New Jersey Criminal Code also justifies the use of deadly force in self-defense where "the actor believes that such force is necessary to protect himself against death or serious bodily harm." N.J.S.A. 2C:3-4b(2). 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 situated.

The detective believed that discharging his weapon was necessary for the protection his life. An independent analysis of the undisputed material facts led to the determination that the belief of the detective was 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 Directive.

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