



## OFFICE OF THE MERCER COUNTY PROSECUTOR

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### **Prosecutor's Office Releases Findings of Fatal Police Shooting**

In compliance with the New Jersey Attorney General's Law Enforcement Directive regarding uniform statewide procedures and best practices for conducting police use-of-force investigations, this public statement is being issued on the findings of the investigation of the fatal police shooting of Eric McNeil on August 15, 2013, on Hobart Avenue in the city of Trenton.

Although there is a presumption of grand jury review when the use of force results in death, under the directive, the county prosecutor is not required to present the matter to the grand jury where the undisputed facts indicate that the use of force was justifiable under the law. Acting Mercer County Prosecutor Angelo J. Onofri determined the undisputed facts in this case indicated such, and the presentation of the matter to the grand jury was not required. On August 25, 2015, the New Jersey Office of the Attorney General concurred with these findings.

With regard to the specific findings of the investigation concerning factual circumstances of the incident, the investigation revealed that on the morning of August 15, 2013, Detectives 1 and 2 were transporting a domestic violence victim to her residence on Hobart Avenue in order to retrieve additional evidence relating to an incident that occurred in the early morning hours where suspect Eric McNeil had beaten the victim and killed her new puppy. Detective 3 had also arrived at the residence in his own vehicle in order to photograph the domestic violence scene and process any evidence.

As Detectives 1 and 2 exited their unmarked vehicle with the victim, they began to walk over to two garbage cans that were on the sidewalk near the front of the residence. At this time, suspect McNeil opened the door of the residence and came off of the porch

firing a handgun at Detectives 1 and 2, and the victim. Detectives 1 and 2 were both struck by gunfire. The victim was able to run to safety.

After being shot, Detective 2 was able to get back to his vehicle and radio for assistance. Detective 1 was knocked to the ground after being shot, but he was able to return gunfire from the ground, striking the suspect as he stood on the sidewalk pointing his gun at Detective 1. As Detective 1 was attempting to stand, he observed the suspect still holding the gun and attempting to stand up. Detective 1 again fired his weapon, striking and killing the suspect. Detective 1 was then able to stand, approach and handcuff the suspect.

Upon the arrival of police and emergency medical personnel, Detectives 1 and 2 were transported to Capital Health Regional Medical Center for emergency surgery. McNeil was pronounced dead on scene.

An examination of the scene by detectives revealed a Smith & Wesson .38 caliber revolver with five spent shell casings in the cylinder. The gun was found lying on the ground next to where the suspect was handcuffed. Detectives also recovered four .40 caliber shell casings from Detective 1's service weapon – three located in the street on Hobart Avenue and one in the nearby grass. A trace of McNeil's gun revealed that it was reported stolen during a burglary on November 6, 2012, in Trenton.

Detective 3 was interviewed at the scene. He stated that he parked a bit up the street from the victim's residence and was standing outside his vehicle when he heard gunshots. Detective 3 immediately turned in the direction of the gunshots and observed Detective 2 "ducking and spinning." Detective 3 then observed a black male, wearing all black, on the sidewalk firing in the direction of Detective 1, who was lying on his back in the street but sitting up enough that he was able to return fire. Detective 3 then drew his weapon and began to approach the black male when he observed the suspect fall to the ground.

Detective 1 was interviewed at the hospital. He related that he, Detective 2 and the victim were waiting for Detective 3 to arrive. They exited their vehicle with the victim and walked over to two garbage cans that were on the sidewalk. Detective 1 heard a gunshot and looked toward the victim's residence to see a black male on or coming off of the porch firing a gun. At this point, Detective 1 felt himself struck by a gunshot in the right shoulder. He then recalled being on the ground when he saw the black male standing on the sidewalk pointing a gun directly at him. Detective 1 stated that he fired his weapon at the black male until the suspect fell to the ground. After firing his weapon, Detective 1 attempted to get to his feet when he observed the black male attempt to get to his feet while still holding the weapon. Detective 1 stated that he again fired his weapon at the suspect until he believed the individual no longer posed a threat.

Due to the nature and extent of his injuries, including multiple surgeries related to the gunshot wounds he sustained, Detective 2 was not interviewed.

The domestic violence victim was also interviewed. She stated that as she and Detectives 1 and 2 walked over to the garbage cans, she observed McNeil open the door of her residence and begin to fire a gun. The victim stated she took off running toward a friend's house. She stated that if she had walked into her residence alone, McNeil would have killed her. She also stated she was thankful for what the detectives did for her. No information received or developed in the course of the investigation contradicted the statements given by the detectives or the domestic violence victim.

The investigation also revealed that McNeil had sent a text message to a family member earlier that morning that read, "I might not be alive this whole day so ima tell you now dat I love you."

A post-mortem examination was conducted by Mercer County Medical Examiner Dr. Rafaat Ahmad and revealed that McNeil died as a result of a gunshot wound to the chest.

After analyzing all of the facts and circumstances of this incident within the context of the use-of-force policy promulgated by the New Jersey Attorney General, it is the conclusion of the office that Detective 1 used an acceptable level of force in unholstering, pointing and firing his weapon at McNeil. It is further concluded that Detective 1's action in continuing to fire his weapon was also justified. The facts and circumstances reasonably led Detective 1 to believe that his actions were immediately necessary to protect his life and the lives of Detective 2 and the domestic violence victim.

This entire matter has been reviewed by Acting Prosecutor Onofri and all portions of the Attorney General's Law Enforcement Directive regarding uniform statewide procedures and best practices for conducting police use-of-force investigations that were in effect during the course of the investigation were complied with.

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