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Prosecutor's Office Releases Findings of 2013 Police-Involved 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 a non-fatal police-involved shooting on July 14, 2013, in the city of Trenton.

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. 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 at 11:47 p.m. on July 14, 2013, Trenton police officers were dispatched to Hudson Street on a report of shots fired. Officers 1 and 2 were working as partners and were on patrol in the area of Butler and Whittaker avenues when the shots fired call was broadcast. The officers advised dispatch that they were responding to the call. Upon arrival, both officers observed a red vehicle, later identified as a 2013 Toyota Corolla, parked at a 45-degree angle at the intersection of Hudson and Tyler streets. The officers also reported seeing a black male, later identified as Keith Day, 25, of Franklinville, standing outside of the Corolla. The officers both stated that they heard a gunshot and observed a muzzle flash coming from a gun in the area of several people who were standing in front of a house. The officers exited their patrol car.

As Officer 1 exited the patrol car, he observed Day with a gun in his hand. Officer 1 yelled to Officer 2 that the individual had a gun and also yelled for Day to put down the gun. The command to drop the weapon was ignored. Officer 1 reported that he heard two more gunshots and saw a muzzle flash from Day's gun, which was pointed in the direction of Officer 2. Officer 2, who had taken a tactical position behind a tree, described seeing Day enter the red vehicle and then raise both hands in a manner consistent with firing a gun. Officer 2 indicated that Day had an object in his hand and began to aim what he believed was a weapon. Officer 2 indicated that the object was a dark-colored handgun and that Day was pointing it in Officer 1's direction. Both officers stated that Day began to drive the red vehicle in their direction. Officer 1 further stated that Day continued to point the gun in his direction as he drove toward him. Officer 2 reported that he fired two shots into the driver's side of the vehicle. Officer 1 reported that he fired a total of three shots. Day continued driving on Hudson Street toward Hamilton Avenue. Officer 2 then broadcast an alert for Day and his vehicle.

On July 15, 2013, the Trenton Police Department was advised that Day arrived at Lourdes Hospital in Willingboro with gunshot wounds.

Formal statements were taken from Day, Day's girlfriend, and Officers 1 and 2. After conducting numerous interviews, examining all of the evidence and reviewing the Attorney General's Guidelines, it is the conclusion of the office that both officers were acting to protect themselves and each other, and used an acceptable level of force pursuant to a reasonable belief of immediate deadly force being used upon them.

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 satisfied.

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