



## OFFICE OF THE MERCER COUNTY PROSECUTOR

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### **Prosecutor's Office Releases Findings of 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 the police-involved shooting on November 15, 2013, on Cedar Lane in Hamilton Township.

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. 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 10:05 p.m. on November 15, 2013, Hamilton police officers were dispatched to a residence in the 1300 block of Cedar Lane on the report of a domestic disturbance in progress. The police dispatcher advised that the suspect, Gary Boyd, was breaking into the residence and the female victim had a restraining order against him. Officers 1 and 2 were in the area and, upon arriving on scene, parked near the residence. Officers 3 and 4 also arrived on scene and immediately observed the suspect and the victim in a neighbor's driveway. Officer 3 stood in front of Boyd at a distance of approximately 10 feet. Officer 4 drew his service weapon and ordered Boyd to drop the knife that Boyd held. Boyd raised his arm and threw the knife at Officer 3. As Boyd did this, Officer 4 discharged his weapon, striking Boyd several

times. Boyd was taken to the hospital where he was later pronounced dead. It should be noted that Boyd is a relative of one of the officers.

An investigation of the scene resulted in the recovery of four .40 caliber shell casings and the knife. Formal statements were taken from the responding officers, the female victim and the victim's friend.

In her statement, the friend stated that she was aware of the restraining order that the victim had obtained against Boyd stemming from a November 8, 2013 incident. The friend further related that Boyd had been texting her about working out his relationship with the victim. Boyd sent the friend numerous text messages, including one on the evening of the incident that stated, "I am either going to die tonight or go to jail."

The victim also provided a statement in which she recounted the events that led to the restraining order being issued on November 8, 2013. She further stated that on November 15, 2013, she was at her friend's house when she learned of the "going to die tonight or go to jail" text message. At that point, the victim and her son went back to her house to call the police. When she arrived at her residence, she began to receive text messages from Boyd. The victim stated that while she was on the phone with the police dispatcher, she heard the basement door open and then saw Boyd emerge and pull a knife from his jacket pocket. Boyd began to say that he was "going to end it" as he held the knife in his hands. Fearing for her safety, the victim ran out of the back door and toward the front of the house as Boyd chased her. The victim then ran across the street into the neighbor's driveway. While in the driveway, the victim observed Boyd stab himself in the stomach area. She also related that she heard the officers order Boyd several times to drop the knife. She then heard gunshots.

Officers 1 and 2 both stated that they heard Officer 4 give Boyd verbal commands to drop the knife. The officers also observed Boyd raise his arm and throw the knife at Officer 3. Officer 3 corroborated that Boyd threw the knife in his direction.

Officer 4 indicated in his statement that he observed the blade of the knife in Boyd's right hand and immediately told Boyd to drop the knife. Boyd then reared back as if he was going to throw the knife. Fearing for his life and the life of his partner, Officer 4 fired his service weapon. As Officer 4 was handcuffing the suspect, Boyd stated, "sorry."

The autopsy performed on Boyd revealed that he sustained four gunshot wounds: one to the right forearm, one to the right upper arm that traveled through the arm and into his chest, one to the right hip, and one to the left arm. However, the cause of death was determined to be a self-inflicted stab wound that pierced Boyd's heart.

After thoroughly reviewing this incident, it is the conclusion of the office that the actions of Officer 4 were both reasonable and justified, and that he used an acceptable level of force during his encounter with the suspect. The force used in the attempt to subdue Boyd was not excessive and was proportionate to the level of threat faced by Officers 3 and 4.

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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