



PUBLIC STATEMENT

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PASSAIC COUNTY PROSECUTOR'S OFFICE ANNOUNCES FINDINGS OF INVESTIGATION INTO DEATH OF JAMEEK LOWERY

PATERSON, NEW JERSEY:

August 12, 2019

Passaic County Prosecutor Camelia M. Valdes issues a public statement regarding the outcome of an investigation into the death of Jameek Lowery, which occurred in Paterson on January 7, 2019. The Passaic County Prosecutor's Office (PCPO) has thoroughly investigated the circumstances surrounding Mr. Lowery's death, which included conducting witness interviews, reviewing surveillance videos, police reports, 911 call recordings, radio transmissions, relevant medical documentation, providing records to and reviewing them with the State of New Jersey Office of the Medical Examiner and consulting with the State of New Jersey Office of the Attorney General. This investigation has concluded that Mr. Lowery's death was a medical event and not the result of police use of force.

On January 5, 2019, at approximately 2:45 a.m., Mr. Lowery called 911 from a private residence and stated he had taken ecstasy and was paranoid. Paterson Fire Department's Emergency Medical Services (EMS) responded to his location and Mr. Lowery was transported to Saint Joseph's Hospital in an ambulance. At approximately 3:25 a.m., Mr. Lowery was escorted from the hospital by security personnel after behaving erratically. Upon exiting the hospital, he entered a private cab with an acquaintance to be transported home.

When the cab driver stopped at a red light in the area of Straight and Market Streets, Mr. Lowery exited the vehicle through the window and ran in the direction of Paterson Police Headquarters. At approximately 3:42 a.m., Mr. Lowery again called 911, reporting that someone was trying to kill him in the area of Broadway and Memorial Drive. Approximately three minutes later, he appeared barefoot in the lobby of Paterson Police Headquarters continuing to report that someone was trying to kill him.

Much of the ensuing interaction between Mr. Lowery and Paterson Police Officers was broadcast by Mr. Lowery through the use of the Facebook Live application. In response to Mr. Lowery's actions, Paterson Police requested the Paterson Fire Department Emergency Medical Services respond to police headquarters to transport him to the hospital for treatment. During this video, Mr. Lowery made statements fearing that he would be killed by police. While interacting with officers in the lobby, he again called 911.

According to interviews and written reports, police and fire personnel accompanied Mr. Lowery from the headquarters building to a waiting ambulance but Mr. Lowery became resistant upon entering the ambulance. At that time, Mr. Lowery became physically combative by striking, kicking, and/or spitting on the Paterson Police Officers who were assisting him into the ambulance. Paterson Police Officers attempted to use compliance holds¹ to secure him to the gurney but the straps on the gurney initially failed to restrain Mr. Lowery. Mr. Lowery continued to be physically combative towards the officers during the process of securing him to the gurney. Officers struck Mr. Lowery several times with their fists to gain control and secure his wrists. They were then able to handcuff him to the gurney, put the gurney straps in place, and physically restrain him for transport to the hospital.

Shortly after 4:00 a.m., the ambulance left police headquarters, arriving at St. Joseph's Hospital within minutes without making intermediate stops. Upon arrival at the hospital, he lost consciousness and required resuscitation by medical personnel at the hospital. After two days of hospitalization, Mr. Lowery did not regain consciousness; he was pronounced deceased in the early morning hours of January 7, 2019.

The State of New Jersey Northern Regional Medical Examiner's Office conducted a post-mortem examination. The Medical Examiner also reviewed related laboratory testing, as well as prior medical records of Mr. Lowery. In a report received on April 16, 2019, the Medical Examiner concluded that the cause of Mr. Lowery's death was "Cardiac Arrest during Active Psychosis while Under the influence of Acute N-Ethyl Pentylone (Bath Salts)." The manner of death was ruled accidental.² The Medical Examiner determined that the ingestion of the bath salts by Mr. Lowery coupled with pre-existing medical conditions triggered an adverse physical reaction including multiple organ failure and cardiac arrest that

¹ A compliance hold is an empty-hand control technique where the officer uses bodily force to gain control of the situation. U.S. Department of Justice, "The Use-of-Force Continuum."

² "Accident" is one way the Medical Examiner may classify the manner of death (the others include "natural," "homicide," "suicide," and "undetermined"). "Accident" means that "the fatal outcome was unintentional." In a situation involving the voluntary ingestion of illegal drugs, the determination of "accident" conveys that "there is little or no evidence that [the ingestion] occurred with intent to harm or cause death." Centers for Disease Control and Prevention, "Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting."

ultimately led to his death. This reaction was occurring during the police and medical personnel's interaction with Mr. Lowery and was independent of and unrelated to any force utilized. The timing of Mr. Lowery's death is an indication of the conclusion of this reaction and not a result of any action by the police or fire department personnel. The examination did not identify any recent facial or bodily fractures.

This investigation commenced on the date of the incident and included an exhaustive review over several months of available physical evidence, documentary materials and witness information by the Passaic County Prosecutor's Office, the Office of the Attorney General, and the Office of the Medical Examiner. As information was received and analyzed, additional investigative steps were taken as necessary. After receiving the Medical Examiner's report in April, the PCPO continued its investigation into the circumstances surrounding Mr. Lowery's death. The results of that additional investigation were provided to the Medical Examiner for a full review and the Medical Examiner's findings remained the same. The information obtained in this investigation evolved as the investigation itself developed. The PCPO strives to be complete before commenting on the outcome of an investigation.

The overall investigation did not reveal any evidence of correlation between the actions of the responding officers or firefighters, including any force used by the officers, and Mr. Lowery's death. The PCPO has reviewed the police use of force during this incident. The PCPO, in consultation with the New Jersey Office of the Attorney General, has determined that the use of physical force does not give rise to criminal charges against any of the involved officers based upon the New Jersey Attorney General's Use of Force Policy and the New Jersey Criminal Code. The New Jersey Attorney General's Use of Force Policy can be found at: www.nj.gov/oag/dcj/agguide/useofforce2001.pdf. This investigation is now concluded and there will be no criminal charges sought against any police officer or firefighter involved in this incident at this time. The conclusion of the investigation at this time does not bar the Passaic County Prosecutor's Office or any other law enforcement agency from reviewing additional evidence that may arise in the future. This matter will now be referred to determine if any administrative action or training should be undertaken as a result of the manner in which this incident was handled.

Media inquiries should be directed to Chief Assistant Prosecutor Mary Catherine Ryan at mryan@passaiccountynj.org. Any inquiries regarding the employment status of the officers and firefighters involved should be directed to the Paterson Police Department and Paterson Fire Department, respectively.