



PUBLIC STATEMENT

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GRAND JURY FINDS PATERSON OFFICERS' USE OF NON-FATAL DEADLY FORCE TO BE JUSTIFIED

PATERSON, NEW JERSEY:

March 5, 2018

Passaic County Prosecutor Camelia M. Valdes issues a public statement regarding the outcome of an investigation into a police use-of-force incident that occurred in Paterson. This statement is issued in accordance with the July 28, 2015, Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive 2006-5.

On November 29, 2017, Paterson Police Detectives Jason English and Kevin Kunzig discharged their service weapons while on duty. An investigation by the Passaic County Prosecutor's Office Shooting Response Team commenced. A comprehensive conflicts inquiry required pursuant to section 3 of the Supplemental Law Enforcement Directive was conducted and no conflicts were detected. The matter was reviewed by the County Prosecutor and complied with all relevant provisions of the Supplemental Law Enforcement Directive.

The Passaic County Prosecutor's Office Shooting Response Team conducted an investigation that included neighborhood canvassing, civilian and police witness statements, review of video footage, review of 911 and radio transmissions, submission of ballistic evidence, examination of physical evidence, and review of medical records.

The results of the investigation were presented to a Grand Jury in Passaic County and the Grand Jury declined to issue an indictment regarding Detective English's and Detective Kunzig's use of force. Each detective's use of force was found to be justified.

The police-involved shooting occurred in the area of North 5th Street between Clinton and Jefferson Streets in the City of Paterson shortly after 5 p.m. on Wednesday, November 29, 2017. The investigation revealed that prior to their

arrival at that location, Paterson Police made observations of a group of males that included Dionte Robinson and Michael David. During these initial observations, Mr. Robinson was allegedly in possession of what appeared to be a handgun. Upon arrival to the area of North 5th Street between Clinton and Jefferson Streets, detectives from the Paterson Police Department located several males including Mr. Robinson and Mr. David. Mr. Robinson then allegedly pointed a handgun at or in the direction of four detectives on scene, including Detective Jason English and Detective Kevin Kunzig of the Paterson Police Department. Detectives English and Kunzig each discharged their department-issued handguns once. No injuries were sustained by the police or civilians.

Dionte Robinson was arrested at the time of the incident and charged on November 30, 2017, by Passaic County Prosecutor's Office. The handgun he allegedly possessed was located on scene. At the time of recovery, the handgun was loaded and the serial number appeared to be defaced. After police arrival, Mr. David allegedly fled from the police and discarded a handgun during flight. The handgun he allegedly possessed was located on scene and was unloaded at the time. Mr. David was arrested without incident in Paterson and charged by the Passaic County Prosecutor's Office on December 5, 2017. Both defendants remain detained in the Passaic County Jail.

A separate Passaic County Grand Jury returned Indictment No. 18-02-0209-I charging Dionte Robinson and Michael David for offenses stemming from this incident. Mr. Robinson was indicted on the following charges: one count of second degree Unlawful Possession of a Weapon, namely a handgun, in violation of N.J.S.A. 2C:39-5b; one count of second degree Possession of a Weapon for an Unlawful Purpose, namely a handgun, in violation of N.J.S.A. 2C:39-4a; four counts of fourth degree Aggravated Assault by pointing a firearm, in violation of N.J.S.A. 2C:12-1b(4); and one count of fourth degree Possession of a Defaced Firearm, in violation of N.J.S.A. 2C:39-3d. Mr. David was indicted on the following charges: one count of second degree Unlawful Possession of a Weapon, namely a handgun, in violation of N.J.S.A. 2C:39-5b; and one count of fourth degree Resisting Arrest by Flight, in violation of N.J.S.A. 2C:29-2a(2). A criminal indictment is merely an accusation. Despite this accusation, the defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt.

Further information on the July 28, 2015, Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive 2006-5 may be found at: http://www.state.nj.us/lps/dcj/agguide/directives/2006-5_SRT_OIS.pdf.