



PUBLIC STATEMENT

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GRAND JURY FINDS HARRISON OFFICER'S NON-FATAL USE OF DEADLY FORCE TO BE JUSTIFIED

PATERSON, NEW JERSEY:

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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 Passaic. This statement is issued in accordance with the July 28, 2015, Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive 2006-5.

On October 14, 2016, Detective Frank Narvaez of the Harrison Police Department discharged his service weapon while off-duty in the City of Paterson. 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 all relevant provisions of the Supplemental Law Enforcement Directive have been complied with.

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, submission of ballistic and DNA evidence, examination of physical evidence and telephone records, and 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 Narvaez's use of force. His use of force was found to be justified under N.J.S.A.

2C:3-4 (self-defense) and/or 3-5 (defense of others) and/or 3-7 (use of force in law enforcement).

A separate Grand Jury in Passaic County deliberated on charges against Adonis Almonte, Carmen Ortega, Yordy Almonte, and Kenyi Cruz stemming from the same incident. That Grand Jury returned an indictment against these four individuals for the following charges: three counts of first degree Attempted Murder in violation of N.J.S.A. 2C:5-1/11-3a, one count each for Det. Narvaez, civilian victim M.B., and civilian victim M.G; four counts of second degree Possession of a Weapon for an Unlawful Purpose, namely a handgun, in violation of N.J.S.A. 2C:39-4a, one count for a pistol used against Det. Narvaez, one count for a pistol against M.B. and/or M.G, one count for a revolver against Det. Narvaez, and one count for a revolver against M.B. and/or M.G; two counts of second degree Unlawful Possession of a Weapon, namely a handgun, in violation of N.J.S.A. 2C:39-5b, one count for a pistol and one count for a revolver; and one count of third degree Receiving Stolen Property, in violation of N.J.S.A. 2C:20-7 for the pistol. Carmen Ortega, Yordy Almonte, and Kenyi Cruz were each charged individually with fourth degree Resisting by Flight, in violation of N.J.S.A. 2C:29-2a(2). The criminal charges against these defendants remain open. A criminal indictment is merely an accusation. Despite this accusation, the defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt.

The incident began in the area of Cedar and Lewis Streets in the City of Paterson shortly before 10:30 p.m. on Friday, October 14, 2016. The four defendants allegedly were driving together in a vehicle when one or more of them shot at a vehicle containing M.B. and her nine-year-old daughter M.G. Detective Narvaez, while off-duty and visiting relatives in the area, pursued the defendants' vehicle. While driving in the area of Madison Street in Paterson, one or more of the defendants fired upon Detective Narvaez. At the intersection of Madison and Oak Streets, the defendants' vehicle breached a fence and crashed into a residence on the corner. At the intersection, one or more of the defendants continued to fire upon Detective Narvaez who then discharged his duty weapon. Carmen Ortega, Yordy Almonte, and Kenyi Cruz fled the scene. Adonis Almonte was located on scene. The officer did not sustain any injuries. During the course of the incident, Mr. Almonte sustained non-life threatening injuries to his knee which were treated. Two handguns were recovered in or near the defendants' vehicle: a semi-automatic pistol and a revolver. The pistol was later determined to be stolen.

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.