



PUBLIC STATEMENT

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

PATERSON, NEW JERSEY:

January 10, 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 Saturday, October 29, 2016, Paterson Police Officer Haydee Santana discharged her service weapon 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 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, review of 911 and radio transmissions, review of phone records, 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 Officer Santana's use of force. Her use of force was found to be justified.

On October 29, 2016, at approximately 6 p.m., Officer Santana discharged her firearm outside the Paterson Police Department located at 111 Broadway. Officer Santana arrived alone at that location after being dispatched to a call of an emotionally disturbed person (EDP) in the street. Upon arrival, Officer Santana encountered a male, identified as Larry Bouie, age 43, of Newark. During the encounter Officer Santana discharged her service weapon once striking Mr. Bouie in the abdominal area. Officers immediately responded and rendered aid to Mr. Bouie. Officer Santana was physically uninjured. Mr. Bouie received medical care for his injuries at medical facilities in Passaic and Essex Counties. Toxicology tests preceding medical intervention were not conducted. No weapons were recovered from Mr. Bouie.

The Passaic County Prosecutor's Office interviewed approximately one dozen civilian witnesses who had direct information about the shooting and/or Mr. Bouie's behavior prior to the shooting. Family members of Mr. Bouie were also interviewed. Police witnesses also provided reports and statements.

Multiple witnesses described erratic behavior by Mr. Bouie including mumbling, shouting incoherently, throwing himself on the ground, striking the ground with his fists, throwing dirt from planters outside the department while his pants were down by his knees, yelling on the sidewalk at pedestrians, running into traffic, yelling words to the effect of "help" and "no" while two females tried to calm him, scooting and rolling in the middle of the street, and attempting to get in front of cars. Witnesses described individuals trying to calm Mr. Bouie before and during the encounter with Officer Santana. Numerous witnesses expressed concern of what Mr. Bouie might do. Multiple witnesses relayed Mr. Bouie showed indications of being under the influence of drugs.

Civilian witnesses indicated that immediately prior to Officer Santana's arrival, Mr. Bouie was on the ground. As Officer Santana exited her marked unit, Mr. Bouie stood up and began approaching her. Witnesses described Mr. Bouie approaching the officer with clenched fists, walking towards her while screaming and flailing his arms, walking closer with raised shoulders and arms in a muscle-flexing position, building up speed as he approached her, flailing his arms and screaming gibberish, and going towards the officer while screaming with his hands clenched in fists. Officer Santana described him as making eye contact with her and running at her like a football player making a tackle. As Mr. Bouie closed the distance between him and Officer Santana, she began to back up towards her vehicle. Some witnesses either heard or saw Officer Santana make attempts to stop Mr. Bouie. Officer Santana fired once Mr. Bouie was several feet from her.

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.