



Westchester County District Attorney

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PRESS RELEASE

DA SCARPINO ANNOUNCED OUTCOME OF GRAND JURY INVESTIGATION INTO THE DEATH OF KAMAL FLOWERS OF NEW ROCHELLE: NO TRUE BILL. NO INDICTMENT

Nov. 4, 2020 -- Westchester County District Attorney Anthony A. Scarpino, Jr. announced that a Westchester County Grand Jury voted not to indict New Rochelle Police Officer Alec McKenna in the shooting of Kamal Flowers June 5, 2020.

"The death of Kamal Flowers was tragic. His family and friends have lost a loved one and are devastated by this loss. I am deeply saddened by his death because his life mattered. Any use of deadly force is difficult to accept. We want the Flowers family and the people of New Rochelle to know, this investigation took top priority for this office, and, even as we have been challenged by the Coronavirus -- we did everything to ensure the investigation's veracity."

The grand jury's determination, known as a "no true bill," ended the grand jury investigation and it means that no criminal charges will be brought against the police officer. Under New York State Law, grand jury proceedings are confidential and cannot be made public without a court order.

In the interest of transparency, the District Attorney's Office petitioned the Court to allow us to reveal information related to our presentation to the grand jury, including the charges that were presented. Judge David Zuckerman ordered the following statement can be released to the public:

Statement from Westchester County District Attorney Anthony A. Scarpino, Jr.

A Westchester Grand Jury has completed its investigation into the tragic shooting death of Kamal Flowers in the City of New Rochelle on June 5, 2020, and the involvement of Police Officer Alec McKenna. The shooting took place at approximately 10:54 p.m. on Sharot Street. The investigation into the circumstances surrounding Mr. Flowers' death began immediately following the incident.

The investigation was conducted by four law enforcement agencies: The Westchester County District Attorney's Office, The New York State Police, the Westchester County Department of Public Safety, and the New Rochelle Police Department.

On June 06, 2020, the day following the shooting, the Attorney General's Office declined to take the investigation since the deceased was armed at the time of the incident. As such, the Attorney General determined the matter fell outside the jurisdiction of her office under Executive Order 147.

A Westchester County Grand Jury began hearing testimony Monday, Oct. 26, 2020, and concluded on the sixth day, Monday, Nov. 2, 2020. The grand jury conducted a thorough and exhaustive review of the evidence.

(more)



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Pursuant to an order of the Westchester County Court that empaneled the grand jury sitting in this manner, the following is the only information the court is permitting to be disclosed by law:

- The police officer involved in the incident testified before the grand jury, waiving the immunity which he otherwise would have received.
- In addition, the grand jury heard from 35 people, among them 12 New Rochelle Police Department employees, 11 civilians, and four witnesses from other public agencies including New York State Police, Westchester County Department of Public Safety, and the Empress Ambulance company.
- Eight expert witnesses testified from the following agencies: Westchester County Department of Laboratories and Research, the Westchester County Medical Examiner's Office, Westchester County Department of Public Safety Crime Lab, and from Axon Enterprise, Inc. (the Taser manufacturer).
- The grand jury was presented with the defaced and operable 9mm Ruger semi-automatic handgun with 10 9mm rounds of ammunition found at the scene and in Mr. Flowers' pocket.
- A total of 223 exhibits were admitted into evidence before the grand jury, including:
 - 138 photographs
 - 6 maps
 - 3 documents
 - 33 video files – 25 of which came from surveillance cameras during and around the time of the incident
 - 4 audio recordings including radio calls and a 911 call
 - 16 individual physical exhibits (including the 9mm Ruger)
- Forensic evidence included expert testimony on the following: DNA, fingerprints, drug analysis, forensic image and video analysis, ballistics, gunshot residue, trace evidence, Taser operation and Taser analysis.
- Expert DNA analysis revealed the DNA found on the trigger of the 9mm Ruger handgun matched Mr. Flowers' DNA.



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The grand jury heard all the evidence on the use of deadly force during this police encounter. The grand jury was provided with the charge of intentional murder. As required by law, the grand jury was instructed on the defense of justification under Article 35 of the Penal Law as to the use of force and deadly physical force by the police.

After deliberating on the evidence presented in this matter, the grand jury found no reasonable cause to vote an indictment.

I would like to thank the citizens of this county who comprised the grand jury for their service and the effort they devoted to this investigation. Their careful consideration of evidence presented and their subsequent deliberation is commendable.

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