

# STATE OF CONNECTICUT DIVISION OF CRIMINAL JUSTICE

Office of the State's Attorney  
Judicial District of New Haven



Patrick J. Griffin  
State's Attorney

Report Concerning Officer Use of Deadly  
Physical Force on Argyle Street on  
April 16, 2019

**REPORT OF THE STATE'S ATTORNEY FOR THE  
JUDICIAL DISTRICT OF NEW HAVEN  
CONCERNING AN OFFICER INVOLVED USE OF  
DEADLY PHYSICAL FORCE IN NEW HAVEN ON APRIL 16, 2019**

**I. INTRODUCTION**

**A. Incident Overview**

On April 16, 2019 at approximately 4:32 a.m., Hamden Police Officer (HPD) Devin Eaton and Yale University Police Officer (YPD) Terrance Pollock were involved in a non-fatal shooting incident in the City of New Haven, in the area of Argyle Street at Dixwell Avenue, during which Stephanie Washington was shot and seriously wounded. The officers encountered Washington and Paul Witherspoon, the driver of the car in which she was a passenger, during the investigation of a 911 call of a reported armed robbery at the Go On Gas/White Stone Mini-Mart (gas station) located at 144 Arch Street in Hamden.

Washington was subsequently transported from the scene via ambulance to Yale New Haven Hospital for serious but non-life threatening injuries. Witherspoon did not sustain any injuries and was transported to the HPD to be interviewed. At the time of the shooting, neither Witherspoon nor Washington were in possession of a firearm.

Officer Pollock sustained a non-life threatening gunshot "graze" wound to his right calf, subsequently determined to be the result of friendly fire. He was transported to Yale New Haven Hospital by YPD personnel where he was treated and released on the same day.

**B. Initial Investigative Response**

New Haven, Yale University, and Hamden Police officers responded to and secured the shooting scene. In accordance with existing New Haven State's Attorney's Office protocol related to officer involved shootings, State's Attorney Patrick J. Griffin was promptly notified of the incident. Pursuant to Connecticut General Statutes §51-277a<sup>1</sup> and Division of Criminal Justice policy, State's Attorney Griffin thereafter notified Chief State's Attorney Kevin Kane that the Connecticut State Police Central District Major Crime Squad

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<sup>1</sup> On the date of this incident C.G.S. §51-277a (rev. to 2019) required the Division of Criminal Justice to conduct an investigation, utilizing appropriate law enforcement agencies, "whenever a peace officer, in the performance of his duties, uses physical force upon another person and such person dies as a result." In the event of a death, C.G.S. §51-277a(b) required the Chief State's Attorney to designate a State's Attorney from another Judicial District to conduct the investigation. Further, C.G.S. §51-277a(c) required the designated State's Attorney to determine, upon completion of the investigation, the circumstances of the incident, whether deadly physical force was appropriate pursuant to C.G.S. §53a-22, and any future action to be taken by the Division of Criminal Justice as a result of the incident. Effective October 1, 2019, P.A. 19-90 §3 amended §51-277a to include all police officers' use of deadly physical force, as defined in §53a-3, upon another person regardless of whether such person dies as a result thereof.

(CDMCS) had been requested to process the scene and conduct the investigation. State's Attorney Griffin further reported that Stephanie Washington was hospitalized with multiple gunshot wounds. Due to Stephanie Washington's expected recovery from her injuries, Chief State's Attorney Kane directed State's Attorney Griffin to retain jurisdiction to supervise the investigation and any possible prosecution arising therefrom. See Connecticut General Statutes §51-277a(b) (rev. to 2019) (on date of incident statute required Chief State's Attorney to designate a State's Attorney from another Judicial District to conduct the investigation only in the event of a death); see also footnote 1, supra.

Per protocol, State's Attorney Griffin, along with inspectors and prosecutors from the New Haven State's Attorney's Office, arrived on scene at approximately 6:30 a.m. and remained until approximately 3:30 p.m. to coordinate investigative resources.

### **C. Materials Reviewed**

On July 24, 2019, the CDMCS provided the New Haven State's Attorney's Office with copies of investigative materials which included, *inter alia*, the initial report, primary digital photographs, secondary digital photographs, scene video, the vehicle survey report, the trajectory report, medical records, exterior building surveillance video, witness statements, forensic laboratory reports, body/vehicle camera reports, body camera footage, radio transmissions/911 call reports, HPD reports, YPD reports, and supplemental reports.

Subsequently, on September 12, 2019, the New Haven State's Attorney's Office obtained New Haven Police Department (NHPD) reports and body camera footage related to this incident. On September 26, 2019, the Connecticut State Forensic Laboratory provided the State's Attorney's Office with bench notes and copies of all reports to date relating to the examination of forensic evidence in this case. On September 27, 2019, the CDMCS provided the State's Attorney's Office with copies of additional statements. On October 8, 2019, the State's Attorney's Office received a supplemental report issued by the State Forensic Laboratory and additional supplemental reports from the CDMCS.

Based upon his independent review of all available investigative materials, New Haven State's Attorney Patrick J. Griffin provides the following summary of the incident and determinations regarding the exercise of deadly physical force by Officers Eaton and Pollock.

## **II. INCIDENT SUMMARY**

### **A. The 911 Call**

On Tuesday, April 16, 2019, at approximately 4:20 a.m., HPD dispatch received an emergency 911 call from the clerk at the gas station located at 144 Arch Street in Hamden. The clerk reported that, outside of the gas station, an African American male customer with dreadlocks, driving a red car with license plate AK63322, and having a female passenger, pulled a gun on the person who delivers the newspapers, asking him

for money. The clerk also said that the African American male was harassing a second customer. The clerk reiterated the suspect and vehicle information and provided the direction of travel when the suspect left the gas station.

## **B. The Radio Transmissions**

In response to the 911 call, HPD Officers Devin Eaton and Keron Bryce were dispatched to a "Signal 27 at the Go On Gas 144 Arch Street, with possibly 128 used." (Review of HPD Radio Signals indicates that a Signal 27 is a Street Robbery and a Signal 128 is Weapon Involved - Firearm). Dispatch provided officers with the vehicle description, registration plate, and suspect description. Dispatch also informed officers that there was a female in the vehicle. The suspect was initially reported to still be in the gas station parking lot, but shortly thereafter was reported as having fled in the direction of Dixwell Avenue.

At 4:23 a.m., Officer Bryce notified HPD dispatch that the reported license plate belonged to a 1999 red, two-door, Honda Civic registered in West Haven.

At 4:24 a.m., HPD dispatch notified NHPD via the "Hotline" (broadcasts via which can be heard by dispatchers in surrounding towns), that they "just had a street robbery happen in our town, was heading in your direction on Dixwell Avenue, with a gun used in a street robbery. . . ." HPD dispatch also correctly relayed the suspect description, vehicle description, and the fact that there was a female passenger in the car.

Thereafter, NHPD dispatch notified their officers, via radio (which can also be heard by YPD officers if they are monitoring the NHPD channel), of the Hamden street robbery with a gun. They further provided their officers with the descriptive information. The only incorrect information broadcast to NHPD officers was the license plate number, which the dispatcher reported as AK63233 (the correct license plate was AK63322).

At approximately 4:27 a.m., YPD dispatch notified their officers, via radio, of the information broadcasted by NHPD dispatch.

At approximately 4:32 a.m., Officer Eaton notified HPD dispatch of shots fired on Argyle Street.<sup>2</sup>

## **C. The Red Honda Civic and its Occupants**

Paul Witherspoon was subsequently identified by the gas station clerk to be the subject

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<sup>2</sup> Prior to this notification of "shots fired," neither HPD dispatch, nor NHPD dispatch, were ever notified by Officer Eaton that he entered New Haven in search of the suspect vehicle. Further, Officer Eaton never radioed to anyone that he made contact with the possible suspect vehicle on Argyle Street prior to the shooting. There were no documented communications between Officer Eaton and Officer Pollock prior to the shooting.

of the clerk's earlier 911 call and the driver of the red Honda Civic.<sup>3</sup> It was determined that, after leaving the gas station, Witherspoon traveled to Argyle Street in New Haven with Stephanie Washington as his front-seat passenger. It was while on Argyle Street that the occupants of the red Honda Civic encountered Officers Eaton and Pollock.

#### **D. Available Exterior Building Surveillance Video**

CDMCS investigators interviewed all four individuals involved in the shooting on Argyle Street. See Section V., *infra*. Not unexpectedly, the observations and perceptions of these four witnesses diverge in several key aspects. Nonetheless, investigators in this matter were greatly aided in their investigation by available video evidence which serves to both corroborate and dispel certain reported observations of the witnesses.

##### **1. Location of the cameras**

The three level commercial building that houses the Believe-in-Me Empowerment Corporation (BIMEC) is located at 423 Dixwell Avenue, which is on the northeast corner of the intersection with Argyle Street. There are multiple exterior surveillance cameras mounted on the building on both the south and west sides, which provided multiple views of the shooting incident. CDMCS investigators seized and reviewed surveillance footage from BIMEC. Analysis has determined that the timestamp (running clock) which appears on the BIMEC surveillance footage is approximately three minutes behind the actual time and there is no audio. It was determined that footage from two of BIMEC's cameras were significant to this investigation. One camera, labeled "side door," captures Argyle Street near, and including, where it meets Dixwell Avenue. The other camera, labeled "front sidewalk," captures Dixwell Avenue at the corner of Argyle Street.

##### **2. Laboratory enhancement and analysis of the videos**

The BIMEC surveillance footage was sent to the Connecticut State Forensic Laboratory for enhancement. Because no single BIMEC video captured the actions of Officers Eaton and Pollock simultaneously, the two most relevant videos ("side door" and "front

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<sup>3</sup> Despite indicating to the 911 dispatcher that the suspect had a gun, when investigators subsequently interviewed the gas station clerk he stated that he did not actually see a gun. Instead, the clerk claimed he had only inferred from the suspect's actions that he had a gun. The newspaper delivery person never made a report to the police. When CDMCS investigators later located him through his employer, the delivery person, likewise, indicated that he never saw a gun and there was never a clear demand for money. Despite repeated attempts to date, CDMCS investigators have been unable to identify the second customer the clerk claimed the suspect was harassing.

In a report dated April 25, 2019, Connecticut State Forensic Laboratory Multimedia and Image Enhancement Unit analysts reported that a review of the gas station surveillance from this incident failed to reveal a visible handgun in the possession of the suspect. Because there are conflicting witness statements, and the video evidence seized from the gas station does not independently provide support for a probable cause determination, the State's Attorney is not pursuing a prosecution at this time regarding the reported incident at the gas station.

sidewalk") were put on a single split screen video by the lab, allowing synchronized playback.

The videos show that Officer Pollock traveled in his marked YPD cruiser north on Dixwell Avenue in New Haven and stopped on the shoulder of Dixwell Avenue, slightly north of its intersection with Argyle Street, facing north. Officer Pollock then turned off all of his lights. Approximately one minute later, Officer Eaton, driving a marked HPD cruiser south on Dixwell Avenue, passed Officer Pollock and Argyle Street. At that time, the red Honda Civic was parked facing south in a driveway on Argyle Street.

A short distance after passing Argyle Street, Officer Eaton slowed and performed a U-turn. Simultaneously, Officer Pollock performed a U-turn and stopped in the southbound lane on Dixwell Avenue, at its intersection with Argyle Street. By this time, the Honda Civic had backed out of the driveway and started traveling slowly forward, westbound on Argyle Street, toward its intersection with Dixwell Avenue. Having completed his U-turn, Officer Eaton began to travel north on Dixwell Avenue and then turned right (east) onto Argyle Street. Officer Pollock began a left turn toward Argyle Street, with his cruiser now facing the red Honda Civic on Argyle Street. Officer Pollock came to a brief stop before continuing to move slowly forward and stopping.

Once on Argyle Street, Officer Eaton slowly passed the red Honda Civic and pulled toward the driver's side rear of the vehicle. Officer Eaton stopped his cruiser and opened his door, exited, and drew his handgun. The driver's door of the Honda opened, Witherspoon started to exit the vehicle and raise his hands. Officer Eaton, from a position near the rear quarter panel of the red Honda Civic, fired toward Witherspoon. Witherspoon retreated back into the vehicle. While still firing, Officer Eaton moved to the rear, and then to the passenger's side, of the red Honda Civic.

Video confirms that Officer Pollock's cruiser was struck by gunfire before he exited his cruiser.<sup>4</sup> In fact, an analysis of the split screen BIMEC video reflects that Officer Pollock did not exit his cruiser or begin firing his weapon until Officer Eaton had fired his weapon eight (8) times. By this time, Officer Eaton was on the passenger's side of the red Honda Civic and still firing his weapon.

Officer Pollock exited his cruiser and fired one shot toward the red Honda Civic. At this time, Officer Pollock's cruiser rolled forward, subsequently striking the front end of the red Honda Civic. Officer Pollock fired a second shot in the direction of the red Honda Civic as his cruiser rolled away. Officer Pollock then retreated across Dixwell Avenue as he fired his third and final shot in the direction of the red Honda Civic.

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<sup>4</sup> A bullet strike was identified on the driver's front bumper of Pollock's YPD cruiser. See Section III., infra.

In total, Officer Eaton fired thirteen (13) shots in the direction of the red Honda Civic, the last two (2) of which he fired with his arm extended behind him as he fled on Argyle Street seeking cover.<sup>5</sup>

The two BIMEC videos showing Officers Eaton and Pollock (“side door” and “front sidewalk”) were analyzed by the Connecticut State Forensic Laboratory Multimedia and Image Enhancement Unit for timeline documentation of firearm discharge, based upon recoil, muzzle flash, and/or bullet damage. An interpretation of the report authored on May 31, 2019, reflects the following shot sequence:

**Firearm Discharge**

Shot	Officer	Frame
1	Eaton	1051
2	Eaton	1058
3	Eaton	1071
4	Eaton	1098
5	Eaton	1105
6	Eaton	1115
7	Eaton	1124
8	Eaton	1135
9	Pollock	1135
10	Eaton	1139
11	Eaton	1146
12	Pollock	1149
13	Eaton	1153
14	Eaton	1165
15	Eaton	1188
16	Pollock	1201

**III. DESCRIPTION OF SCENE**

Argyle Street connects, Dixwell Avenue to the west, with Shelton Avenue to the east. Argyle Street is a two-way roadway that travels east and west, with one lane of travel in each direction. There is a posted stop sign and white painted stop line for traffic traveling westbound on Argyle Street approaching Dixwell Avenue.

The following is a description of the scene as it appeared on the morning of April 16, 2019 after the shooting. The red Honda Civic, registered to Stephanie Washington, was facing west in the westbound lane of Argyle Street, just prior to the stop line at the intersection with Dixwell Avenue. There was no front license plate on the vehicle. Broken glass from

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<sup>5</sup> In a report dated May 3, 2019, the Connecticut State Forensic Laboratory Firearms Unit confirmed that the thirteen (13) .40 caliber Winchester spent shell casings recovered from the scene were fired from Officer Eaton’s weapon and the three (3) .40 caliber Speer spent shell casings recovered were fired from Officer Pollock’s weapon.

the red Honda Civic's driver and passenger windows was on the roadway next to the vehicle. Bullet strikes were identified on the windshield, driver's side door, rear window, and passenger's side door. There was damage to the front bumper that was consistent with contact made between the red Honda Civic and the YPD cruiser.

The YPD cruiser was identified as Officer Pollock's vehicle. It was a marked white Ford Police Interceptor SUV, located in the center of Argyle Street facing east, slightly offset into the westbound lane, with its front driver's side bumper resting against the front driver's side bumper of the red Honda Civic. Bullet strikes were identified on the front driver's side bumper and the rear window. There was damage to the front bumper that was consistent with contact made between it and the red Honda Civic.

The HPD cruiser was identified as Officer Eaton's vehicle. It was a marked purple Ford Police Interceptor SUV, located in the eastbound lane of Argyle Street, positioned diagonally northeast along the driver's side rear of the red Honda Civic. A search of the exterior revealed no evidence of bullet strikes.

On Argyle Street, approximately ninety (90) feet east of the intersection with Dixwell Avenue, was the driveway for 413-415 Dixwell Avenue, where the red Honda Civic backed out. Parked on the south curb just west of the driveway was an unoccupied green Honda Civic.

Parked on the northbound curb behind the red Honda Civic was an unoccupied white Mitsubishi Lancer, which had a bullet strike on the front registration plate. Parked directly behind the Mitsubishi was an unoccupied Volvo S60 with no evidence of bullet strikes. These two vehicles were used for cover and concealment by Officer Eaton during the incident, and were adjacent to the trash receptacles positioned on the north sidewalk.

This incident occurred in the early morning hours, before sunrise. CDMCS investigators identified various overhead light sources illuminating Dixwell Avenue and Argyle Street. A streetlight was located on the north side of Argyle Street in the vicinity of the driveway for 413-415 Dixwell Avenue. A second streetlight was located on the east side of Dixwell Avenue at the intersection of Argyle Street. A third streetlight was located on the north side of Argyle Street directly above the red Honda Civic. All three streetlights were illuminated. There were no streetlights on the south side of Argyle Street. Additionally, there were overhead light sources affixed to the south side of the BIMEC building, pointing down toward the sidewalk. These lights, one of which was in the immediate area of the red Honda Civic, were all illuminated. The headlights of Officer Eaton's cruiser were on, however, in light of the position of the vehicle, they did not illuminate the red Honda Civic. Officer Pollock's headlights were off. None of the interior lights of the red Honda Civic appeared to be on at the time of the incident.



## IV. EVIDENCE COLLECTION

### A. Processing of the Scene

On April 16, 2019 CDMCS investigators processed the scene on Argyle Street for evidence and seized the following items:

- Three (3) Speer .40 caliber Smith & Wesson expended shell casings, which were located: in the area of the driver's side door of Officer Pollock's cruiser; behind Officer Pollock's cruiser on Dixwell Avenue; and on Dixwell Avenue, southwest of Officer Pollock's cruiser;
- Thirteen (13) Winchester .40 caliber Smith & Wesson expended shell casings, which were located: on the north sidewalk of Argyle Street; adjacent to Officer Pollock's cruiser; on the north side of Argyle Street, adjacent to the red Honda Civic; on the north sidewalk of Argyle Street, adjacent to the white Mitsubishi Lancer; and near the trash receptacles;
- Two bullet projectiles from Officer Pollock's cruiser - one from the rear interior roof and one from the engine compartment;
- One bullet fragment from Dixwell Avenue near a manhole cover, west of Officer Pollock's cruiser;
- One Apple iPhone, with a cracked screen and an ID / credit card sleeve attached to the back, located on the pavement behind the rear driver's side tire of the red Honda Civic;<sup>6</sup>
- One projectile from the engine compartment of the Mitsubishi Lancer;
- Video surveillance from Believe-In-Me Empowerment Corporation (BIMEC);
- Police officer body camera footage;
- Watch Guard DVR 2-035607 hard drive from Officer Pollock's YPD cruiser;

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<sup>6</sup> On September 27, 2019, Paul Witherspoon stated to members of the New Haven State's Attorney's Office that, on the morning of the shooting, he owned a gray iPhone 6 with a cracked screen and an ID / credit card sleeve attached to the back. Later, on October 16, 2019, Witherspoon was shown two (2) photographs (front and back) of the seized Apple iPhone and positively identified the phone as belonging to him. Attempts to unlock the phone utilizing passcodes provided by Witherspoon have been unsuccessful to date.

- The red Honda Civic; and
- Both officers' department issued Glock 22, .40 caliber semi-automatic handguns for forensic analysis (it was determined that Officer Eaton was carrying .40 caliber Smith & Wesson/Winchester ammunition and Officer Pollock was carrying .40 caliber Smith & Wesson/Speer ammunition).

Other than those belonging to the officers, CDMCS investigators did not locate any additional firearms at the scene. They specifically reported that no firearm was visible in plain view inside the red Honda Civic. The car was towed from the scene in anticipation of further investigatory processing.

#### **B. Processing of the Red Honda Civic**

Starting on April 22, 2019 and finishing on April 23, 2019, CDMCS investigators processed the red Honda Civic for evidence. The search was authorized by a court ordered search and seizure warrant and conducted inside the secured garage at the Connecticut State Police Troop I barracks. A search of the interior of the vehicle included the following areas: under the emergency brake plastic housing, the engine compartment, the glove box, the gas tank fill door, the fender/wheel wells, and underneath the trunk liner. The seats, door panels, and carpeting were all removed to inspect behind and under them. Investigators seized various items of evidence from the vehicle including four (4) bullet projectiles and four (4) bullet fragments. Investigators did not locate any firearms. The detached manual window crank lever from the driver's side door was located in the glove box.

### **V. WITNESS STATEMENTS**

To date, the following witnesses provided statements to CDMCS investigators regarding their direct observations of the shooting on Argyle Street: YPD Officer Terrance Pollock, HPD Officer Devin Eaton, Paul Witherspoon, and Stephanie Washington.<sup>7</sup> During the course of a neighborhood canvass, no additional witnesses to the shooting were identified.

#### **A. Yale University Police Officer Terrance Pollock**

On April 24, 2019, in the presence of his attorney, YPD Officer Terrance Pollock provided CDMCS investigators with a sworn, written, and signed statement. See Appendix A. Officer Pollock indicated that he received the dispatch regarding the red Honda Civic,

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<sup>7</sup> The entirety of the written statements provided by YPD Officer Pollock, HPD Officer Eaton, and Stephanie Washington are appended hereto. See Appendices A through C, respectively. Paul Witherspoon did not provide a written statement. After being advised of his rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966), he provided a videotaped statement, a summary of which is provided below. See Section V.C., infra.

which was reported to be involved in an "armed robbery" in Hamden. He described his actions in relevant part as follows:

". . . As I noticed the Hamden cruiser pull up alongside the red car, I remember thinking it now made sense to me why the Hamden cruiser passed me on Dixwell Avenue and made the abrupt U-turn. I remember thinking to myself that the Hamden officer must have seen the red Honda Civic on Argyle Street, as he passed on Dixwell Avenue. I did not notice the red Honda Civic on Argyle Street while I was previously parked on Dixwell Avenue.

The next thing I noticed was the Hamden cruiser came to a complete stop, at a slight angle to my left, in a northeastern direction, alongside the red car. Immediately I noticed the Hamden officer jump out of the driver's side of his cruiser and began approaching the driver's door of the red car. I did not hear the Hamden officer say anything because I was still seated inside my cruiser and the windows were closed.

I then noticed the operator of the red car opened the driver's door and appeared to be getting out of the red car. As this was happening, I saw the Hamden officer stopped moving forward toward the driver's door, and then quickly jump back away from the red car and quickly to his right (toward the passenger-side of the vehicle). At that moment, I heard a series of gunshots and believed that the Hamden officer and the suspect were exchanging gunfire.

As I was seated in my cruiser, I heard what I thought were bullets striking the front of my cruiser. Seeing how the Hamden officer reacted, hearing the shots being fired, and believing the suspect was firing into my cruiser, I immediately thought that both the Hamden officer and I were being shot at by the operator of the red car. I was in fear for my life and thought I could be killed. I remember thinking I needed to get out of my cruiser immediately to return fire to defend myself and get myself into a safer location.

Fearing for my life, I immediately opened the driver's door of my cruiser using my left hand, exited my cruiser, and drew my issued department duty weapon (a black Glock 22, .40 Caliber) with my right hand. I immediately discharged my duty weapon to eliminate the imminent threat of deadly force against the Hamden officer and me. I discharged my firearm in the direction of the operator of the red Honda Civic. To the best of my recollection, I believe I fired two times. As I was shooting, my cruiser began moving toward the red vehicle. I was in such fear for my safety and realized I needed to get out of my cruiser so quickly that I forgot to place my cruiser in park before I exited.

As I continued to back up and retreat from the gunfire, I could hear additional gunshots coming from the general area of the Honda Civic. Because my cruiser was slowly moving forward, I immediately began retreating and discharged my duty weapon a third time in the direction of the operator. I then crossed Dixwell Avenue in order to gain cover from the additional gunfire. As I retreated, I continued to hear gunfire coming from the area of the red car. . .”

## **B. Hamden Police Officer Devin Eaton**

On May 8, 2019, in the presence of his attorney, HPD Officer Devin Eaton provided CDMCS investigators with a sworn, written, and signed statement. See Appendix B. Officer Eaton indicated that he was dispatched to the gas station for a report of a street robbery with a firearm. He described his actions in relevant part as follows:

“. . . As I turned right onto Argyle Street I saw the vehicle traveling very slowly on Argyle Street towards Dixwell Avenue. As I was traveling past the vehicle, I saw that it was being operated by a black male with dreadlocks and that there was a black female sitting in the front passenger seat. I could also see that the vehicle was a red colored Honda Civic, but at this point I was not certain this was the vehicle involved in the robbery because I could not see the vehicle's registration. I did not want to notify dispatch until I knew that I had the correct vehicle.

I did not have my patrol vehicle's overhead emergency lights or siren activated but the vehicle appeared to come to a stop as I was traveling past it. I don't know why the vehicle came to a stop, but I thought that the operator was either going to engage me in pursuit, get out and try to run, or get out and shoot me. I stopped my patrol vehicle in the area of the rear of the red Honda to verify that the Honda's registration matched the registration that was given to me by dispatch. Now that I realized this was the vehicle from the robbery, I felt I needed to immediately get out of my car to maintain a visual on the operator, to control the situation and to ensure he wasn't going to shoot me. At this time the driver's door of my patrol vehicle was approximately 10 to 12 feet away from the driver's side door of the Honda.

I opened my driver's side door. Based on the fact that the operator was reported to be in possession of a firearm, I unholstered my service weapon and exited my patrol vehicle. After I exited the vehicle with my service weapon pointed in the direction of the operator, I ordered him to show me his hands.

I couldn't tell whether the window of the Honda was open or closed but I thought the operator would put his hands either up or through the window. It was my intention to get closer to the Honda's driver's side door so that I

could more clearly see into the vehicle and see if the operator was holding a weapon.

Immediately after I exited my patrol vehicle and ordered the operator to show me his hands, I saw the driver's door of the Honda unexpectedly swing open. The operator then began to suddenly exit the vehicle. As he was doing so, I could see that he was not holding anything in his left hand but as he began to turn towards me, I saw the operator begin to raise his right arm up and it appeared that he was holding an object in his right hand, which I believed to be a gun.

I was alone, had not yet radioed for back-up, believed that the operator was in possession of a firearm and based on his close proximity to me and his sudden and aggressive actions when exiting his vehicle, I was afraid that the operator was about to shoot me and cause me serious bodily injury or death. I then discharged my duty weapon and began to move towards the rear of the Honda for cover. I saw the operator dive back into the driver side of the car, and I heard the sound of gunshots as I was moving around to the rear of the Honda and perceived the gunshots to be coming from the operator. When I got to the passenger side of the vehicle I discharged my duty weapon at the robbery suspect again. I could not see the passenger. I then lost sight of the operator, so I stopped firing and moved to a position of cover and concealment on Argyle Street away from the Honda. I do not recall specifically how many times I discharged my duty weapon, however, all of the shots were fired within several seconds.

Once I was in a secure location, I notified dispatch of my location, that shots had been fired and that it involved the vehicle from the robbery. This was the first time that I saw another police vehicle that appeared to be stopped in front of the Honda. I could not identify which department the vehicle was associated with but I recall seeing a uniformed police officer running across Dixwell Avenue away from the police vehicle. Believing I was in the other officer's line of fire in the event that he did fire, and so I could get a better view of the scene, I moved to another location behind a parked vehicle on Argyle Street and waited for back-up officers to arrive . . ."

**C. Paul Witherspoon (driver)**

On April 16, 2019, Paul Witherspoon provided CDMCS investigators with an audio visual statement (see footnote 7, supra.), which is summarized as follows:

Witherspoon related that he backed out of a driveway and began driving on Argyle Street toward Dixwell Avenue when he observed two police cars coming toward him from Dixwell Avenue. He knew something was going to happen because one of the police cars did not have its headlights on; he never tried to run and just stopped his car.

One of the police vehicles, with its strobe lights on, pulled alongside and to the rear of the driver's side of the red Honda Civic. The other police vehicle struck the front of his vehicle and stopped directly in front of his car. He did not know what was happening or why he was being stopped. The incident at the gas station, which he characterized as a dispute, did not even cross his mind because the stuff that he described happens every day. The police officer who was driving the vehicle that stopped alongside the driver's side of the red Honda Civic got out of his vehicle and ordered him to get out of his car. The officer told him to let him see his hands.

That because his window does not open, he pushed open the door with his left arm and then reached out the door with both arms and hands extended. He then swung both legs out of the door and attempted to stand up to get out of the car. He never reached for anything nor did he have anything in his hands.

Witherspoon stated that he has watched many movies in his life, and knew that if he even "scratched [his] dick" he would have been shot so he kept his hands extended out. As he was getting out of the car, he looked to his rear and saw the police officer standing there and the barrel of his gun was pointed straight at him. The police officer then opened fire at him. He then jumped back into his car, by leaning backwards onto the emergency parking brake. His legs were still hanging out of the corner of the door. He stated that he tried to put his arms around Stephanie to keep her safe. There were bullets coming into his car from the rear of his car and from the front of his car. The police officer was also shooting at them from the passenger's side of his Honda Civic.

Witherspoon inquired as to why the officer was shooting at him from the passenger's side of his vehicle. He stated he never did anything to provoke the police to shoot at him. He was following the orders from the police officer. Stephanie never did anything to provoke the shooting either. He has no idea how many bullets the police officers fired at him but it was a lot. He does not know how he and Stephanie survived the shooting.

#### **D. Stephanie Washington (passenger)**

On May 9, 2019, in the presence of her attorney, Stephanie Washington provided CDMCS investigators with a sworn, written, and signed statement. See Appendix C. Washington indicated that she and Witherspoon traveled from the gas station to Argyle Street in New Haven. She described her recollection of the shooting incident in relevant part as follows:

“. . . We pulled onto Argyle Street toward Dixwell, and as we were driving, I saw a white police car pull up in front of us with no lights on. Paul stopped the car and I watched the purple police car pass the white car, then pass

my car, and stop behind my car. I know the purple car is a Hamden Police car because of the color.

I could see the police officer get out of the Hamden car and was in the street before Paul opened his door. I was still playing music through the car at the time but we could hear each other talk. When Paul opened his door and put his hands up, the officer pulled out his pistol and started shooting with no hesitation. When the police officer started firing, Paul ducked back into the car. He landed low in the seat so that his back was down near the crack where the seat and back portion of the driver seat meet.

Paul was not responsive because I was saying stuff to him and touching him, but he wasn't responding. I thought that he might have been shot and was dead. I was trying to take cover from the gunshots, so I was leaning in between the driver and passenger seats, towards the back seat. It was like being in a nightmare. I thought I was going to die.

As the gunfire was going on, I started to feel a tingling, burning pain and numbness in my legs, looked down and saw blood and glass, and I remember thinking that I was shot. I also remember hearing the glass break on the car, starting with Paul's window, then the back window, and then my window.

While I was ducking toward the back of the car, I felt something hit the front of my car. I picked up my head, partially sat up, looked forward and felt a fast burning sensation on the right side of my forehead. The reason I picked up my head was because the police car hit my car. I did not see any police officers in front of me, just the white police car. I immediately put my head back down . . ."

## **VI. ADDITIONAL VIDEO EVIDENCE**

### **A. Body Camera Video**

#### **1. HPD Officer Devin Eaton**

Officer Eaton was wearing an Axon body camera issued by the HPD. The camera must be manually activated in order to record visual and audio events. It was determined that the power on Officer Eaton's body camera was "on," but he did not activate the camera until after the shooting occurred. Nonetheless, the body camera system constantly buffers and stores thirty (30) seconds of muted video. Therefore, after the camera is activated, the video includes the thirty (30) second buffered video that was captured prior to activation.

The eighteen minute, forty-nine second (18:49) video begins at 4:31:57 a.m. and ends at 4:50:46 a.m. It shows Officer Eaton's actions, as well as the aftermath of the shooting. Officer Eaton can be seen exiting his cruiser on Argyle Street and pointing his handgun

in the direction of the red Honda Civic. The driver's door of the red Honda Civic opened and Witherspoon began to exit the vehicle. As Witherspoon was doing so, Officer Eaton began firing toward him. Witherspoon retreated into the vehicle while Officer Eaton continued firing, moving around to the rear, and then to the passenger's side of the red Honda Civic. After firing multiple shots into the passenger's side of the red Honda Civic, Officer Eaton ran eastbound on the sidewalk of Argyle Street, while still firing additional shots behind him toward the red Honda Civic.

At this time, Officer Eaton activated his body camera, initiating both audio and video. He can be heard reporting "shots fired" to dispatch and providing his location. He further reports that the car was "boxed in," that he could not see the suspect, and that the suspect might be down. As other officers arrived on scene, Officer Eaton can be heard saying "careful, careful, he's right there." Officer Eaton remained behind cover with his gun pointed toward the red Honda Civic until backup officers approached the car. He then approached and assisted in removing Witherspoon from the red Honda Civic.

Body camera footage also captures Officer Eaton recounting his recollection of the shooting multiple times to fellow officers on the scene, including supervisors. With respect to his interaction with Witherspoon, Officer Eaton initially stated to a fellow HPD officer who arrived on scene that:

" . . . I got out of my car, I said 'show me your fucking hands,' he got out of the car, I saw a 128 [gun]."<sup>8</sup>

This explanation is consistent with what Officer Eaton related to CDMCS investigators in his written statement, wherein he provided:

" . . . After I exited the vehicle with my service weapon pointed in the direction of the operator, I ordered him to show me his hands. I couldn't tell whether the window of the Honda was open or closed but I thought the operator would put his hands either up or through the window . . . "

However, some of Officer Eaton's other statements captured on the body camera footage are at variance with his written statement in three respects: (1) as to whether Officer Eaton ordered Witherspoon out of the car<sup>9</sup>; (2) as to whether Witherspoon pointed something at Officer Eaton; and (3) whether Officer Eaton heard gunshots, which he perceived to be coming from Witherspoon.

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<sup>8</sup> In response to an HPD officer's inquiry as to what Witherspoon had done with the gun, Officer Eaton replied "I don't know, I saw it." At this time, fellow officers can be heard in the background trying to locate the gun. Officer Eaton further offered that he did not see Witherspoon toss the gun.

<sup>9</sup> In his statement, Witherspoon related to CDMCS investigators that Officer Eaton ordered him out of the car.



**a) Did Officer Eaton order Witherspoon out of the car?**

On two separate occasions Officer Eaton is heard telling fellow officers on video that he *ordered Witherspoon out of the car*. At approximately 4:38:18 a.m., an HPD Sergeant asked Officer Eaton “what exactly happened?” In response, Officer Eaton stated:

“. . . I saw them parking . . . nose in. I turned around, I turned around, went to swing on this street. He was pulling out. Stopped my car, got out, told him to ‘get out, show me your hands.’ He opened his car door, I saw him point something at me and then I shot.”

Later, at 4:41:31 a.m., Officer Eaton stated:

“. . . I pulled up, I got out of my car, I said ‘show me your hands, get the fuck out of the car,’ he kicks open the door, I saw something, I saw it.”

These statements captured on video are contrary to Officer Eaton’s statement to CDMCS investigators, in which he stated:

“. . . [i]mmediately after I exited my patrol vehicle and ordered the operator to show me his hands, I saw the driver’s door of the Honda *unexpectedly swing open*. The operator then began to suddenly exit the vehicle. . .” (emphasis added).

**b) Did Witherspoon point something at Officer Eaton?**

In addition, Officer Eaton is heard telling fellow officers multiple times on scene that Witherspoon pointed something at him. In his written statement, Officer Eaton never provided investigators with this information. Rather, he stated that it appeared Witherspoon was not holding anything in his left hand, but that “as he began to turn towards me, I saw the operator begin to raise his right arm up and it appeared that he was holding an object in his right hand, which I believed to be a gun.”

The body camera footage from Officer Eaton was submitted to the Connecticut State Forensic Laboratory for enhancement. The Multimedia and Image Enhancement Unit report dated May 31, 2019 states: “. . . [d]river pushes open driver’s door; [r]eflection from wrist watch on driver’s left wrist; [d]river partially exiting vehicle with both hands in view and open; [p]olice officer’s firearm discharges; [d]river’s arm drops and wrist watch is visible on left wrist . . .” In a supplemental report dated October 3, 2019, the analyst further notes that, due to the poor quality of the video, it cannot be determined if an object is present in either hand.<sup>10</sup>

While the poor quality of the video may preclude the Connecticut State Forensic Laboratory from making a determination as to whether Witherspoon is holding anything

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<sup>10</sup> In his statement to CDMCS investigators, Witherspoon denied that he exited the vehicle with anything in his hands.

in either hand - at a minimum the video does not support Officer Eaton's verbal statements captured on body camera that Witherspoon pointed something in his direction prior to the initial shot.

**c) Did Officer Eaton hear gunshots as he was moving around to the rear of the red Honda Civic?**

Lastly, Officer Eaton is never heard on body camera stating that he heard gunshots. However, in his written statement, Officer Eaton tells investigators that he "heard the sound of gunshots as [he] was moving around to the rear of the Honda and perceived the gunshots to be coming from the operator." See Appendix B. As previously noted, the operator, Witherspoon, did not have a gun. Further, Officer Eaton had already fired eight (8) times and was on the passenger's side of the red Honda Civic before Officer Pollock exited his cruiser and fired his first shot. See Section II.D.2., supra.

**2. YPD Officer Terrance Pollock**

Officer Pollock was wearing a Watch Guard body camera issued by YPD. As indicated in Officer Pollock's statement, he attempted to activate his body camera during the incident, however, he had powered the camera "off" prior to the incident. See Appendix A. Following analysis, the Connecticut State Forensic Laboratory confirmed that no video of the shooting incident was captured. Officer Pollock's body camera was ultimately activated after the shooting occurred and provided views of the scene, as well as Pollock's verbal description of what occurred, which was limited due to the fact that he was transported for treatment of a gunshot wound. What was captured is consistent with the written statement he later provided to CDMCS investigators.

**B. Dashboard Camera Video**

**1. HPD Officer Devin Eaton**

The HPD cruiser driven by Officer Eaton was not equipped with a dashboard camera.

**2. YPD Officer Terrance Pollock**

As previously noted, CDMCS investigators also seized the Watch Guard DVR 2-035607 hard drive from Officer Pollock's YPD vehicle. This hard drive was analyzed by the Connecticut State Forensic Laboratory, YPD Information Technology Division, and the manufacturer, Watch Guard. No video was recorded during the incident. According to a report written by Watch Guard dated May 6, 2019, there was no DVR video available because the system did not automatically power back on, as it was supposed to, when Officer Pollock turned on the vehicle. Watch Guard indicated that this failure was due to the manner in which the DVR operates and was not attributed to Officer Pollock's actions.

**VII. BULLET STRIKES AND TRAJECTORY**

CDMCS investigators, assisted by Connecticut State Forensic Laboratory personnel, were assigned to document all suspected bullet strikes and trajectory angles, if possible.

Of the sixteen (16) documented shots fired, investigators identified fourteen (14) corresponding bullet strikes. Investigators utilized trajectory rods and string in order to document bullet trajectory. Investigators were unable to determine the trajectory of all projectiles, however, general direction was documented. The sequence of the bullet strikes was not able to be determined.

**A. Mitsubishi Lancer**

There was one bullet strike located on the front license plate of the Mitsubishi Lancer. The projectile which struck the front license plate was recovered from the engine compartment of the vehicle. Based on Officer Pollock's position as verified on video, Officer Pollock was the only person who fired in the direction of the Mitsubishi Lancer.

**B. YPD Cruiser**

There was one bullet strike to the rear windshield of the YPD cruiser and a projectile was seized from the interior roof of the YPD cruiser. Based on Officer Pollock's position as verified on video, Officer Pollock was the only person who fired from the rear of the YPD cruiser.

There was also one bullet strike to the front bumper of the YPD cruiser. Based on Officer Eaton's position as verified on video, Officer Eaton was the only person who fired from the front of the YPD cruiser.

**C. Red Honda Civic**

There was one bullet strike to the windshield of the red Honda Civic. Investigators determined that the projectile traveled from the front of the vehicle to the back; more specifically, it passed through the passenger's side of the windshield and struck the plastic on the passenger's side of the C pillar, falling into the trunk. Based on Officer Pollock's position as verified on video, Officer Pollock was the only person who fired from the front of the red Honda Civic.

There were two (2) bullet strikes to the rear window of the red Honda Civic. Based on Officer Eaton's position as verified on video, Officer Eaton was the only person who fired from the rear of the red Honda Civic.

There were eight (8) bullet strikes to the passenger's side door/window of the red Honda Civic, of which, four (4) penetrated the passenger compartment of the vehicle. Based on Officer Eaton's position as verified on video, Officer Eaton was the only person who fired from the passenger's side of the red Honda Civic.

**D. Ballistic Analysis**

In total eight projectiles and five bullet fragments were seized from various locations to include the roadway at the scene, the YPD cruiser, the HPD cruiser, the Honda Civic, and the Mitsubishi Lancer. Due to the damage sustained by the projectiles, the Connecticut

State Forensic Laboratory could not identify which weapon the projectiles were fired from.<sup>11</sup>

## **VIII. EMERGENCY MEDICAL RESPONSE**

An American Medical Response (AMR) ambulance was dispatched at 4:35 a.m., on a report of a person shot, as well as a possible YPD officer shot. Additional units were dispatched at 4:36 a.m., and the first AMR unit arrived at 4:39 a.m. Washington was transported from the scene to Yale New Haven Hospital at approximately 4:46 a.m. Washington's injuries were documented at the scene as gunshot wounds in the right flank and buttocks areas, as well as a small laceration above her right eye. Washington self-reported to medics that she fell out of the car.

## **IX. MEDICAL RECORDS**

### **A. Stephanie Washington**

Medical records for Washington were obtained from Yale New Haven Hospital by means of a court ordered search and seizure warrant. Washington was admitted on April 16, 2019 and discharged on April 20, 2019. Washington suffered multiple injuries, to include, *inter alia*, one gunshot wound to the left upper thigh/glute area, which traveled left to right, fracturing her pelvis and spine, with bullet fragments exiting her right flank through two exit wounds. Washington suffered an abrasion to her forehead, which according to her medical records, was attributed to her falling on the pavement upon exiting the red Honda Civic.

### **B. Officer Pollock**

Medical records for Officer Pollock were obtained from Yale New Haven Hospital by way of his written consent. Officer Pollock was admitted on April 16, 2019 and released the same day. Officer Pollock suffered one gunshot graze wound to his right calf.

## **X. CAUSATION OF INJURIES**

Analysis has determined that Officers Eaton and Pollock were the only individuals who discharged firearms during this incident. As indicated, in an effort to determine which of the two officers was responsible for causing Washington's injuries, CDMCS investigators, with the assistance of the Connecticut State Forensic Laboratory, sought to identify the trajectory of the rounds fired vis-à-vis Washington's location in the vehicle.

Investigators attempted to identify the trajectory of the thirteen (13) shots fired by Officer Eaton. See Sections II. and VII., *supra*. It was determined that Officer Eaton fired eight (8) shots at the passenger's side door/window of the red Honda Civic, four (4) of which penetrated the interior compartment of the vehicle in the area where Washington was

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<sup>11</sup> As documented in State of Connecticut Forensic Laboratory Firearms Unit reports dated 05/03/2019 and 09/20/2019.

seated. In her statement to CDMCS investigators, Washington stated that after she heard gunshots, she “leaned between the driver and passenger seats, toward the backseat, trying to take cover from the gunshots.” In this position, it can be reasonably inferred that Washington’s left thigh/glute area was exposed to projectiles that penetrated the interior compartment of the red Honda Civic from outside the passenger’s side door. Therefore, on the basis of the evidence and the reasonable and logical inferences to be drawn therefrom, the injuries sustained by Washington were caused by a projectile fired from Officer Eaton’s firearm.

As identified in Section VII., supra, CDMCS investigators, with the assistance of the Connecticut State Forensic Laboratory, were able to identify the trajectory of all three (3) shots fired by Officer Pollock. The trajectory of Officer Pollock’s three (3) shots establishes that only one shot struck the red Honda Civic. That projectile struck the front windshield and traveled from the front of the vehicle to the back; more specifically, it passed through the passenger’s side of the windshield and struck the plastic on the passenger’s side of the C pillar, falling into the trunk. Therefore, it is a reasonable and logical inference to eliminate this projectile as striking and causing injury to Washington.

Further, the trajectory of Officer Pollock’s three (3) shots establishes that his calf injury was not self-inflicted. On the basis of the evidence and the reasonable and logical inferences to be drawn therefrom, the injury sustained by Officer Pollock, likewise, was caused by a projectile fired from Officer Eaton’s firearm.

## **XI. LAW CONCERNING USE OF DEADLY PHYSICAL FORCE BY A POLICE OFFICER**

Connecticut General Statutes §53a-22(c) permits a police officer, *inter alia*, to use deadly physical force upon another person when he reasonably believes such force to be necessary to defend himself or a third person from the use or imminent use of deadly physical force. “Deadly physical force” is defined by Connecticut General Statutes §53a-3(5) as “physical force that can be reasonably expected to cause death or serious physical injury,” while “serious physical injury” is defined by Connecticut General Statutes §53a-3(4) as “physical injury, which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health, or serious loss or impairment of the function of any bodily organ.”

The test to determine whether an officer’s belief is reasonable pursuant to §53a-22 is both subjective and objective. State v. Smith, 73 Conn. App. 173, 198, cert. denied, 262 Conn. 923 (2002). First, the officer must honestly believe that the use of deadly force is necessary to defend himself or another from the imminent use of deadly physical force in the immediate circumstances. Id. The second part of the test requires that the officer’s belief be objectively reasonable. Id. That is, if the officer in fact believed that deadly force was necessary, it must then be determined whether that belief was reasonable, from the perspective of a reasonable police officer in the officer’s circumstances. Id., citing Graham v. Connor, 490 U.S. 386, 396(1989) (evaluating reasonableness of police officer’s belief that deadly force justified in context of fourth amendment excessive use of force claims,

stating that “[t]he [objective] reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”)

This subjective-objective test must be applied in evaluating the actions of Officers Eaton and Pollock on Argyle Street in the early morning hours of April 16, 2019.

## **XII. RECOMMENDATIONS**

As the chief law enforcement officer of the Judicial District of New Haven, the charging decision in any criminal investigation properly rests with the State’s Attorney. In exercising that function with respect to an officer’s use of deadly physical force, the State’s Attorney is mindful of the guidance offered by the United States Supreme Court in Graham v. Connor, *supra*, 490 U.S. at 396-397, wherein the Court acknowledged that “[t]he calculus of reasonableness must embody allowance of the fact that police officers are often forced to make split-second decisions - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.”

### **A. Hamden Police Officer Devin Eaton**

In reviewing the actions of Officer Eaton, the allowances as described by the Supreme Court in Graham have been taken into account. Nonetheless, based upon the preceding facts and circumstances as found by the CDMCS and pursuant to prevailing Connecticut law, State’s Attorney Griffin finds that the use of deadly physical force by Officer Devin Eaton was not objectively reasonable and, therefore, not justified.

As Officer Eaton’s own statements captured on body camera indicate, Officer Eaton ordered Paul Witherspoon out of the car and to show his hands. Witherspoon, for his part, stated that he was told to exit the vehicle and to show his hands. Witherspoon appeared to comply with Officer Eaton’s orders and exited the red Honda Civic with his hands up.

Officer Eaton maintains in his written statement that he believed Witherspoon was holding a gun in his right hand. While the poor quality of the video may preclude a definitive determination as to whether Witherspoon is holding *anything* in either hand, there is no evidence that Witherspoon had a gun. Further, there is no evidence to conclude that Witherspoon pointed anything in Officer Eaton’s direction. Officer Eaton reacted to the manner in which Witherspoon exited the car by firing his initial shot. Officer Eaton was not met with any return gunfire. Instead, Witherspoon retreated back into the car. Nonetheless, Officer Eaton continued to fire his weapon, moving to the rear of the red Honda Civic and ultimately to the passenger’s side. By his own admission, Officer Eaton was aware there was a female front seat passenger.

Even if an argument can be made that the initial shot fired at Witherspoon was reasonable because Officer Eaton believed that Witherspoon held something in his hand – it was not objectively reasonable for Officer Eaton to continue to move around the red Honda Civic

while firing his weapon into the passenger compartment - particularly in light of the fact that, by his own admission, Officer Eaton was aware of Washington's presence. In total Officer Eaton fired thirteen (13) shots in the direction of the red Honda Civic, eight (8) of which were directed at the passenger's side of the vehicle where he knew Stephanie Washington was seated. Under circumstances evincing an extreme indifference to human life, he recklessly engaged in conduct which created a risk of death, and thereby caused serious physical injury to Washington. Additionally, the reckless manner in which the shots were discharged placed those in the immediate vicinity, including Paul Witherspoon and Officer Pollock, at risk for serious physical injury.

Officer Eaton's contention that he was responding to shots being fired at him is simply not supported by the evidence. Rather, in direct contradiction, Officer Pollock, the only other armed individual at the scene, did not exit his cruiser and fire his first shot until Officer Eaton had already fired eight (8) times and was on the passenger's side of the red Honda Civic.

Based upon the independent review of the investigative materials, State's Attorney Griffin has recommended that the CDMCS investigators submit an arrest warrant for review and judicial authorization charging Devin Eaton with: **Assault First Degree**, in violation of Connecticut General Statutes §53a-59(a)(3),<sup>12</sup> related to the injuries sustained by Stephanie Washington; **Reckless Endangerment First Degree**, in violation of Connecticut General Statutes §53a-63,<sup>13</sup> related to Paul Witherspoon; and **Reckless Endangerment First Degree**, in violation of Connecticut General Statutes §53a-63, related to Officer Terrance Pollock. State's Attorney Griffin stresses that criminal charges are merely accusations and Devin Eaton is presumed innocent unless and until proven guilty beyond a reasonable doubt.

## **B. Yale University Police Officer Terrance Pollock**

There is no evidence that a shot fired by Officer Pollock struck Stephanie Washington. As such, State's Attorney Griffin cannot conclude that Ms. Washington was injured as a result of Officer Pollock's use of deadly physical force. Regardless, based upon the preceding facts and circumstances as found by the CDMCS, and pursuant to prevailing

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<sup>12</sup> C.G.S. §53a-59(a)(3) provides "[a] person is guilty of assault in the first degree when under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person." C.G.S. §53a-3(13) provides that "[a] person acts 'recklessly' with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation."

<sup>13</sup> C.G.S. §53a-63 provides "[a] person is guilty of reckless endangerment in the first degree when, with extreme indifference to human life, he recklessly engages in conduct which creates a risk of serious physical injury to another person."

Connecticut law, State's Attorney Griffin concludes that the actions of Officer Terrance Pollock in discharging his weapon were objectively reasonable and, therefore, justified.

Officer Pollock was confronted with a situation in which a fellow officer was conducting a motor vehicle stop of a potentially armed robbery suspect. From Officer Pollock's vantage point, he observed Officer Eaton approach the red Honda Civic and Witherspoon appear to exit. Officer Pollock was unable to hear any conversation because he was seated in his cruiser with the windows closed. He heard a series of gunshots and believed that Officer Eaton and Witherspoon were exchanging gunfire. Still seated in his cruiser, he heard what he correctly perceived to be a bullet strike the front of his cruiser. Based upon his observations, Officer Pollock believed that Witherspoon was firing at both officers. Officer Pollock exited his cruiser and discharged his weapon three (3) times in the direction of Witherspoon before retreating. During the course of the incident Officer Pollock was wounded in the right calf by a shot fired by Officer Eaton.

Based on the law as outlined above, these facts would not support a criminal charge. Accordingly, no further action will be taken by the Division of Criminal Justice with respect to Officer Pollock.

### **XIII. CONCLUSIONS**

State's Attorney Griffin commends the YPD, HPD, and NHPD for their ongoing efforts to address the most pressing issues identified as a result of this incident, which include, *inter alia*: the crossing of municipal boundaries by police officers;<sup>14</sup> the policies and procedures regarding the use of body worn cameras and vehicle video recording equipment; inter-department communications; and de-escalation training.

These efforts have included the engagement of 21CP Solutions, an independent firm composed of experts in policing, with experience in law enforcement, social science, civil rights, law, psychology, and organizational management, that helps communities across the country address their most significant and difficult policing challenges. 21CP Solutions assists with identifying opportunities, providing specific roadmaps to progress, and actively helping to implement new approaches to policing.

Toward this end, these consultants are currently leading a collaborative analysis of the incident, which involves YPD, HPD, and NHPD. This analysis will analyze the incident

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<sup>14</sup> C.G.S. §54-1f outlines the authority of police officers to make arrests outside of the territorial jurisdiction of their police department. That statute provides in relevant part as follows: "(b) Members of . . . any local police department . . . shall arrest, without previous complaint and warrant, any person who the officer has reasonable grounds to believe has committed or is committing a felony. (c) Members of any local police department . . . when in immediate pursuit of a person . . . except a person alleged to have violated only a municipal ordinance, are authorized to pursue such person outside of their respective precincts into any part of the state in order to effect the arrest . . ." See State v. Kuskowski, 200 Conn. 82, 85-86 (1986).



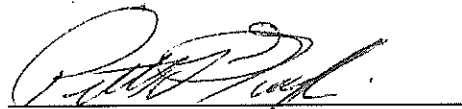
from all available sources to better understand the facts and circumstances which led to the use of deadly physical force and will be aimed at modification of policy and procedures as deemed appropriate. In addition, they are conducting an overall assessment of the involved police departments' operations, including review of departmental structure, policies, procedures, training, staffing, technology, and deployment of assets. The State's Attorney believes this openness to outside professional review of departmental policies will benefit the entire community and looks forward to the results of this endeavor.

In the aftermath of this incident, members of the Greater New Haven community have raised questions concerning the legal authority vested in Yale University police officers. The State's Attorney believes this is an appropriate time to emphasize that the Yale University Police Department is a full service police agency in the State of Connecticut, whose police officers must be certified and must renew such certification as required by the Connecticut Police Officer Standards and Training Council (POSTC). See Public Act 83-466 §3. Yale University police officers are appointed by the City of New Haven, acting through its board of commissioners. Thus, Yale University police officers have all the powers conferred upon municipal police officers for the City of New Haven and, as such, their power and authority is not limited to Yale University campus or Yale University properties.

State's Attorney Griffin would like to thank Commissioner James Rovella and the Connecticut State Police, in particular the CDMCS investigators, as well as the Connecticut State Forensic Laboratory, who have worked continuously to complete this thorough and rigorous investigation in a timely and transparent manner.

State's Attorney Griffin also thanks Chief Ronnell Higgins and the Yale University Police Department, Chief John Cappiello and the Hamden Police Department, and Chief Otoniel Reyes and the New Haven Police Department, for their cooperation in ensuring the integrity of the investigative process.

Finally, State's Attorney Griffin thanks the injured parties, particularly Stephanie Washington, as well as the entire Greater New Haven community, for their patience and understanding over the past six months.



Patrick J. Griffin  
State's Attorney  
Judicial District of New Haven  
Dated October 17, 2019

# **APPENDIX**

## **A**

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: 1900182722

Date: 04/24/2019

Time Started: 0910 hrs

Time Ended: 1029 hrs

H-  
W- 203-432-4400  
C-

WITNESS STATEMENT OF Terrance A. Pollock

I, Terrance A. Pollock, AGE: 46, date of birth 08/27/1972  
of 101 Ashmun Street, town/city of New Haven, CT 06511

make the following statement without fear, threat, or promise. I have been advised that any statement(s) made herein which I do not believe to be true, and which statement is intended to mislead a public servant in the performance of his/her official function, is a crime under C.G.S. section 53a-157.

My name is Officer Terrance A. Pollock, Badge #321, of the Yale University Police Department, which is located at 101 Ashmun Street, New Haven, Connecticut. I became a Yale University Police Officer on May 9, 2003 and have served as a patrol officer for the past sixteen years, currently assigned to dayshift. In 2006, I was selected as a Field Training Officer (FTO) and in 2008 I became a member of the Yale University Special Weapons and Tactics (SWAT) team. I was advised by counsel not to view any television, social media, videos, body-camera footage, or to speak with anyone about this incident. Therefore, the details of this statement are only from my personal recollection from the night of the incident.

On Tuesday, April 16, 2019, I was working overtime on the midnight shift and my patrol assignment was "Patrol 796", which covers the Science Park area of New Haven. I was operating a marked "Yale University Police" SUV cruiser, which has CT registration plate 796-YPD affixed to the rear of the vehicle. I was working a double that day, scheduled to work dayshift after the midnight shift.

On Tuesday, April 16, 2019, at approximately 0415 hours, I was on duty in my patrol area when I heard the Yale Police Department's Communications Center dispatch a broadcast over the radio reporting something to the effect that they wanted patrol units to be advised that there had just been a "19", which is the code for a robbery, in Hamden. They informed us that the suspect vehicle was a red Honda Civic and that the vehicle was occupied by a male and female. I believe dispatch stated the occupants of the vehicle were also armed with a gun. Dispatch informed us that the suspect vehicle was "in-bound on Dixwell Avenue from Hamden." I do not recall if they gave out the registration plate number. I was not scanning or monitoring the New Haven Police dispatch center on my portable or cruiser radios. I was not scanning or monitoring Hamden Police Dispatch or the "hotline."

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Detective Connolly #431

Signature: Terrance A. Pollock  
Terrance A. Pollock

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Detective Meier #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: CFS 1900182722

STATEMENT OF Terrance A. Pollock (Cont.)

Immediately following the broadcast, I radioed to dispatched and asked if they could repeat the description of the suspect vehicle. To the best of my recollection dispatch repeated that it was a red Honda Civic and that the it was a "armed robbery." The next thing I remember, I was traveling north on Dixwell Avenue, near the intersection of Shelton Avenue, when I decided to pull over on the right shoulder of Dixwell Avenue, at the intersection of Argyle Street. I took this position/post because I did not want to travel that far away from my patrol area. I pulled into a parking spot, on the eastern shoulder of the roadway, directly in front of 425 Dixwell Avenue and turned off all of the running lights of my cruiser. I began watching to see if the suspect vehicle was going to continue into the downtown New Haven area on Dixwell Avenue.

I was parked watching traffic traveling on Dixwell Avenue for about five minutes, when I noticed a Hamden Police Department SUV cruiser approaching me, traveling south on Dixwell Avenue. The Hamden cruiser quickly passed my cruiser and the intersection of Argyle Street and continued south on Dixwell Avenue. As a result, I made a U-turn on Dixwell and began to travel south on Dixwell to catch up with the Hamden officer, because I wanted to inform him or her that I had not seen the suspect vehicle travel pass my location. As I began to accelerate to follow in the same direction, south on Dixwell Avenue, the Hamden cruiser made an abrupt U-turn and began traveling north on Dixwell Avenue. As a result, I also made a U-turn and began to follow in the same direction behind the Hamden cruiser.

As I began trying to catch up with the Hamden cruiser, I noticed the Hamden cruiser make a right turn (east bound) onto Argyle Street. At this point, I believe I was only about three or four car lengths behind the Hamden cruiser. As I began to turn right onto Argyle Street, I slowed down because I noticed the Hamden cruiser, which was facing east on Argyle Street, was pulled alongside a small red car, which was facing in my direction, traveling west on Argyle Street. This was the first time I saw the red car. I would say the red car, which was later identified as the red Honda Civic, was about 3 car lengths from the intersection of Dixwell Avenue and Argyle Street. I noticed the red Honda civic was running, with its headlights activated, in the travel portion of the roadway. As I noticed the Hamden cruiser pull up alongside the red car, I remember thinking it now made sense to me why the Hamden cruiser passed me on Dixwell Avenue and made the abrupt U-turn. I remember thinking to myself that the Hamden officer must have seen the red Honda Civic on Argyle Street, as he passed on Dixwell Avenue. I did not notice the red Honda Civic on Argyle Street while I was previously parked on Dixwell Avenue.

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Det. [Signature] #431  
Detective Connolly #431

Signature: Terrance A. Pollock  
Terrance A. Pollock

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Det. [Signature]  
Detective Meier #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: CFS 1900182722

STATEMENT OF Terrance A. Pollock (Cont.)

The next thing I noticed was the Hamden cruiser came to a complete stop, at a slight angle to my left, in a northeastern direction, alongside the red car. Immediately I noticed the Hamden officer jump out of the driver's side of his cruiser and began approaching the driver's door of the red car. I did not hear the Hamden officer say anything because I was still seated inside my cruiser and the windows were closed. I then noticed the operator of the red car opened the driver's door and appeared to be getting out of the red car. As this was happening, I saw the Hamden officer stopped moving forward toward the driver's door, and then quickly jump back away from the red car and quickly to his right (toward the passenger-side of the vehicle). At that moment, I heard a series of gunshots and believed that the Hamden officer and the suspect were exchanging gunfire. As I was seated in my cruiser, I heard what I thought were bullets striking the front of my cruiser. Seeing how the Hamden officer reacted, hearing the shots being fired, and believing the suspect was firing into my cruiser, I immediately thought that both the Hamden officer and I were being shot at by the operator of the red car. I was in fear for my life and thought I could be killed. I remember thinking I needed to get out of my cruiser immediately to return fire to defend myself and get myself into a safer location.

Fearing for my life, I immediately opened the driver's door of my cruiser using my left hand, exited my cruiser, and drew my issued department duty weapon (a black Glock 22, .40 Caliber) with my right hand. I immediately discharged my duty weapon to eliminate the imminent threat of deadly force against the Hamden officer and me. I discharged my firearm in the direction of the operator of the red Honda Civic. To the best of my recollection, I believe I fired two times. As I was shooting, my cruiser began moving toward the red vehicle. I was in such fear for my safety and realized I needed to get out of my cruiser so quickly that I forgot to place my cruiser in park before I exited. As I continued to back up and retreat from the gunfire, I could hear additional gunshots coming from the general area of the Honda Civic. Because my cruiser was slowly moving forward, I immediately began retreating and discharged my duty weapon a third time in the direction of the operator. I then crossed Dixwell Avenue in order to gain cover from the additional gunfire. As I retreated, I continued to hear gunfire coming from the area of the red car.

When I got across to the west shoulder of Dixwell Avenue, I took cover behind a black car and to the best of my recollection believe I immediately radioed into the Yale Police Department Communications Center saying, "99...(means priority call) Signal 4 (Means Officer needs help) I need help. Dixwell." Someone radioed asking what my location was and I told them that I was on Dixwell, near the intersection of Shelton. I said this because I was not familiar with Argyle Street. I looked across Dixwell Avenue onto Argyle Street and could see that my cruiser came to a stop against the front end of the red Honda Civic. My cruiser was now blocking my view of the operator of the Honda civic. Within a short period of time, I noticed another cruiser coming southbound on

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: *Det. Connolly #431*  
Detective Connolly #431

Signature: *Terrance Pollock*  
Terrance A. Pollock

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: *D.E. Meier*  
Detective Meier #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: CFS 1900182722

STATEMENT OF Terrance A. Pollock (Cont.)

Dixwell with its emergency light activated. As the cruiser pulled slightly onto Argyle Street, I noticed it was a Hamden cruiser. I began waiving to the Hamden officer in the cruiser to back up because he was so close to the gunfire on Argyle Street. The officer backed the cruiser up Dixwell Avenue, just north of Argyle Street, and exited his cruiser immediately. I do not know who the officer was and do not remember what the officer looked like. At this point other cruisers were arriving on scene.

After hearing no additional gunfire, but believe a threat still existed, I ran to the rear of my cruiser and retrieve my patrol rifle (Colt AR-15). At that point, I carefully approached the passenger side of the suspect vehicle to provide cover for the other officers securing the two occupants of the red vehicle. After the scene was secure, Sergeant Josh Passay, arrived on scene to check on my well-being and briefly spoke with me about the incident. At that time Sergeant Passay secured my Glock. Then Officer Adam Marong approached me and asked if I was injured or needed any medical attention. We began checking myself and I felt a burning sensation on my lower right leg, just above my ankle. The area was burning and had some bleeding. I do not know how this injury occurred, but I know it happened during the shooting. Ofc. Marong transported me to Yale New Haven Hospital, located at 20 York Street, New Haven, for medical attention. I was treated and released later that morning. I then went to Hamden Police Department, where I was photographed by the State Police.

My department issued duty weapon, Glock 22, .40 caliber, is equipped with a tactic light. During the shooting, I did not intentionally activate the tactical light, but I inadvertently pressed the toggle switch a few times. I attempted to activate my body-worn camera during the event; however, I had powered it off earlier to conserve battery power as I was working a double shift and the battery life is only approximately eight (8) hours. As a result, the body camera did not capture the shooting. Also, I believe the MVR in my cruiser was powered on, but did not activate because I did not have time to activate my emergency lights when I turned onto Argyle Street. However, I believe the MVR constantly records video only, even when it's not activated.

After learning the names of the occupants in the red Honda Civic, they do not sound familiar and I do not recall ever having contact with them in the past. I also did not know the Hamden Officer that was on scene, and have not had contact with him previously, during this incident, or afterwards.

I am giving the State Police consent to retrieve my medical records from Yale New Haven Hospital relative to this incident. *(circled)*

*372 TAP*  
*(circled)*

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: *Detective Connolly #431*  
Detective Connolly #431

Signature: *Terrance A. Pollock*  
Terrance A. Pollock

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: *Detective Meier #796*  
Detective Meier #796

# **APPENDIX**

## **B**

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: 1900182722

Date: 05/08/2019

Time Started: 1345hrs

Time Ended: 1519hrs

H-  
W- 203-230-4030

C-

WITNESS STATEMENT OF Devin C. Eaton

I, Devin C. Eaton, date of birth 01/09/1990 AGE: 29  
of 2900 Dixwell Avenue, town/city of Hamden, CT 06518

make the following statement without fear, threat, or promise. I have been advised that any statement(s) made herein which I do not believe to be true, and which statement is intended to mislead a public servant in the performance of his/her official function, is a crime under C.G.S. section 53a-157.

I have been employed by the Hamden Police Department since June 23, 2016. I currently hold the rank of Patrolman and am assigned to the Patrol Division. Prior to being hired in Hamden, I was employed by the New Haven Police Department as a Patrolman for approximately one year.

On April 16, 2019 I was working my regularly scheduled 2300 hours to 0700 hours shift. I was wearing my department issued uniform, carrying standard department issued equipment and driving a fully marked Ford Explorer. I was assigned to patrol area 100. Based upon the rapid progression of events, I do not recall whether or not I activated my body camera at the time of the incident. It was not until the incident was completely over that I learned my body camera had in fact been activated. I have briefly viewed my body camera footage as well as the body camera footage of the other Hamden officers and the video surveillance from the corner of Dixwell Avenue and Argyle Street, however I am relying primarily on my personal recollection of the events when giving this statement. I also have not listened to any 911 calls or dispatch tapes. While in my patrol car prior to and during this incident, I was only monitoring Hamden Police transmissions.

At approximately 0419 hours I was in my patrol vehicle in the parking lot of ALK Liquors on Dixwell Avenue meeting with Officer Keron Bryce who was parked next to me in his patrol vehicle. I heard police dispatch call Officer Bryce and me over the radio. The dispatcher told us to respond to Go On Gas located at 144 Arch Street in Hamden. The dispatcher reported that a street robbery with a firearm had just occurred at that location. To the best of my recollection, the dispatcher advised us that a black male with dreadlocks had just robbed a deliveryman and that a firearm was involved. I also recall dispatch telling us that the complainant reported that the black male got into a red vehicle bearing CT registration AK-63322 with a female passenger last seen leaving the area headed towards Dixwell Avenue.

Officer Bryce was the primary unit assigned and I was the backup officer. I left the parking lot of ALK Liquors and headed southbound on Dixwell Avenue towards the area. As I was driving, I believe it was Officer Bryce who transmitted over the police radio that the registration of the suspect vehicle came back to a red Honda Civic from an address located in West Haven, CT. As Officer Bryce drove to Go On Gas, I continued to By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Detective Connolly #431

Signature: Devin C. Eaton

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Detective Meier #796



STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

STATEMENT OF Devin Eaton (Cont.)

travel southbound on Dixwell Avenue into New Haven in an attempt to locate the Honda. I traveled south on Dixwell Avenue searching for the vehicle because I believed that it was likely that the vehicle would travel through New Haven to get back to West Haven. I went as far south as the intersection of Dixwell Avenue and Webster Street in New Haven but did not locate the Honda. I then turned around on Webster Street and began traveling northbound on Dixwell Avenue heading back into Hamden. I turned left onto Arch Street headed towards Go On Gas with the intention of speaking with Officer Bryce to obtain more information. As I was pulling into the parking lot of Go On Gas I saw Officer Bryce speaking with who I assumed to be the complainant inside the store. It did not appear Officer Bryce had completed his interview so I decided to continue with my search of the area for the Honda.

I exited the Go On Gas lot heading east on Arch Street and took a right onto Dixwell Avenue and began traveling south. As I was passing the intersection of Dixwell Avenue and what I later learned was Argyle Street in New Haven, I looked to my left and saw a small red sedan parked, nose in, in a private driveway on Argyle Street. The vehicle had its lights on and appeared to be running. I conducted a U-turn on Dixwell Avenue and traveled back to where I had seen the vehicle. I looked up at the street sign and saw that it was Argyle Street. As I turned right onto Argyle Street I saw the vehicle traveling very slowly on Argyle Street towards Dixwell Avenue. As I was traveling past the vehicle, I saw that it was being operated by a black male with dreadlocks and that there was a black female sitting in the front passenger seat. I could also see that the vehicle was a red colored Honda Civic, but at this point I was not certain this was the vehicle involved in the robbery because I could not see the vehicle's registration. I did not want to notify dispatch until I knew that I had the correct vehicle.

I did not have my patrol vehicle's overhead emergency lights or siren activated but the vehicle appeared to come to a stop as I was traveling past it. I don't know why the vehicle came to a stop, but I thought that the operator was either going to engage me in pursuit, get out and try to run, or get out and shoot me. I stopped my patrol vehicle in the area of the rear of the red Honda to verify that the Honda's registration matched the registration that was given to me by dispatch. Now that I realized this was the vehicle from the robbery, I felt I needed to immediately get out of my car to maintain a visual on the operator, to control the situation and to ensure he wasn't going to shoot me. At this time the driver's door of my patrol vehicle was approximately 10 to 12 feet away from the driver's side door of the Honda.

I opened my driver's side door. Based on the fact that the operator was reported to be in possession of a firearm, I unholstered my service weapon and exited my patrol vehicle. After I exited the vehicle with my service weapon pointed in the direction of the operator, I ordered him to show me his hands. I couldn't tell whether the window of the Honda was open or closed but I thought the operator would put his hands either up or through the window. It was my intention to get closer to the Honda's driver's side door so that I could more  
By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Det. B. C. #431  
Detective Connolly #431

Signature: Devin C. Eaton  
Devin C. Eaton

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Det. M. #796  
Detective Meler #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: CFS 1900182722

STATEMENT OF Devin Eaton (Cont.)

clearly see into the vehicle and see if the operator was holding a weapon. Immediately after I exited my patrol vehicle and ordered the operator to show me his hands, I saw the driver's door of the Honda unexpectedly swing open. The operator then began to suddenly exit the vehicle. As he was doing so, I could see that he was not holding anything in his left hand but as he began to turn towards me, I saw the operator begin to raise his right arm up and it appeared that he was holding an object in his right hand, which I believed to be a gun. I was alone, had not yet radioed for back-up, believed that the operator was in possession of a firearm and based on his close proximity to me and his sudden and aggressive actions when exiting his vehicle, I was afraid that the operator was about to shoot me and cause me serious bodily injury or death. I then discharged my duty weapon and began to move towards the rear of the Honda for cover. I saw the operator dive back into the driver side of the car, and I heard the sound of gunshots as I was moving around to the rear of the Honda and perceived the gunshots to be coming from the operator. When I got to the passenger side of the vehicle I discharged my duty weapon at the robbery suspect again. I could not see the passenger. I then lost sight of the operator, so I stopped firing and moved to a position of cover and concealment on Argyle Street away from the Honda. I do not recall specifically how many times I discharged my duty weapon, however, all of the shots were fired within several seconds.

Once I was in a secure location, I notified dispatch of my location, that shots had been fired and that it involved the vehicle from the robbery. This was the first time that I saw another police vehicle that appeared to be stopped in front of the Honda. I could not identify which department the vehicle was associated with but I recall seeing a uniformed police officer running across Dixwell Avenue away from the police vehicle. Believing I was in the other officer's line of fire in the event that he did fire, and so I could get a better view of the scene, I moved to another location behind a parked vehicle on Argyle Street and waited for back-up officers to arrive.

I saw Officer William Pesanelli arrive and take a position in the area of the passenger side of the Honda. I radioed to Officer Pesanelli to call out what he saw and I believe he responded by saying the passenger had been shot. I then began to approach the vehicle where I saw Officer Steve DeGrand near the front driver's side of the vehicle. Officer DeGrand ordered the driver to get out of the car and to keep his hands up. I took hold of the operator's left arm and directed him out of the vehicle and onto the ground at which time I handcuffed him. The operator was searched and placed in the rear of my police vehicle directly behind the driver's side seat.

A short time later my supervisor, Sergeant Nate Youngberg, arrived and I told him what happened. Thereafter, LT Tim Wydra arrived and I advised him what had occurred. He later told me to sit in the supervisor's patrol vehicle until AMR arrived and I could be medically evaluated. I was then transported to Yale New Haven Hospital by Officer Luis Rivera for treatment and evaluation. I was not physically injured during this incident.

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Det. R. Connolly #431  
Detective Connolly #431

Signature: Devin C. Eaton  
Devin C. Eaton

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Det. Meler #796  
Detective Meler #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

STATEMENT OF Devin Eaton (Cont.)

Based upon my recollection, I have never had any prior contact with the operator or the passenger of the Honda, either professionally or personally.

DCE

(D)

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Det 3 C 431  
Detective Connolly #431

Signature: [Signature]  
Devin C. Eaton

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: [Signature]  
Detective Meier #796

# **APPENDIX**

## **C**

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: 1900182722

Date: 05/09/2019

H-

Time Started: 1445 hrs.

W-

Time Ended: 1900 hrs

C- 203-605-3737

WITNESS STATEMENT OF Stephanie B. Washington

AGE: 22

I, Stephanie Washington, date of birth 04/13/1997

of 33 Acton Street, town/city of West Haven, CT 06516-1702

make the following statement without fear, threat, or promise. I have been advised that any statement(s) made herein which I do not believe to be true, and which statement is intended to mislead a public servant in the performance of his/her official function, is a crime under C.G.S. section 53a-157.

I am giving this statement to the State Police in the presence of my attorneys Winthrop Smith III and John-Henry Steele at their office, located at 9 Depot Street 2<sup>nd</sup> floor in Milford, CT. I have seen information in the news about this incident, but the following information is based upon my recollection.

On Sunday April 14<sup>th</sup>, 2019, two days prior to when this happened, I went to work at about 11:00PM to Go Puff in Fair Haven where I have worked for about four to six weeks. I was there working until about 4:30AM on Monday April 15<sup>th</sup>, which is the end of my scheduled shift. I went home where I live with my mother and slept until about noon. After I woke up, I was on the phone with my insurance company, and then I called Paul. Paul and I have known each other for approximately one and a half months and have been dating the whole time. Paul lives on Morris Street in New Haven. I called Paul's cell phone from my cell phone to tell him that I was frustrated with my insurance company. We eventually talked about meeting up at his friend "Binky's" house on Argyle Street. I left my house at what I am guessing was about 3:00PM to go meet Paul on Argyle Street. I hung out with him and some other people for most of the night. I only know two of the people who were there. Paul's friend Binky lives there, but I do not recall his real name. Binky's sister was also there, but I don't recall her name either.

At what I am guessing was about 5:00PM, I got into somebody else's car and three of us went to the package store located on the corner of Orchard Street and Henry Street in New Haven. Paul was not one of the people that went with us. I did not go into the store, but my friend purchased a half pint size bottle of alcohol (I don't remember what kind) for approximately six of us to share. We went back to Argyle Street to drink and eat inside. Paul was one of those six people sharing the drink, and I think that he probably had about the same amount to drink as I did.

We hung out inside the house on Argyle Street for several more hours and then Paul drove my red Honda Civic. I was in the front passenger seat and we went to Go on Gas, which is near Eli Whitney. When we got there, we parked at the gas pump closest to the front of the store. Paul got out and bought a pack of cigarettes for Binky. I stayed in the car and was listening to music through my phone, which I transmit with an

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Detective B Connolly #431  
Detective Connolly #431

Signature: Stephanie Washington  
Stephanie Washington

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: Detective Meier #796  
Detective Meier #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: CFS 1900182722

STATEMENT OF Stephanie Washington (Cont.)

FM receiver to the car's speakers. I recall that Paul was talking to the store clerk and also a news guy because I could see their hands moving, but I could not hear anything they were saying. I know he is a news guy now from seeing it on the news, but at the time I just thought he was another customer at the store. I have seen the clerk there before because that is the only gas station that is open at that time, and he is the one that is normally working at that time. I do not know his name and I have never seen the news guy either. I did not see the news guy until he was at the window, so I'm not sure how he got there. Paul was out of the car for a few minutes and then got back in with the cigarettes he had bought. I had been telling him that I wanted to go home because it was late and I was tired. After Paul got into the car, I saw a man with a camo jacket who looked like he was homeless, and Paul was talking to him while he was still seated in the driver seat of my car. Paul was talking to the homeless guy about how they had matching army coats.

We drove back to Argyle Street and pulled into the driveway of Binky's house. Paul got out, gave Binky the cigarettes he bought him, and came back to the car. He was out of the car for less than a minute, never went inside the house, and I did not see him talk to anyone else. I saw Paul actually give the cigarettes to Binky, and did not see him give Binky anything else. We pulled onto Argyle Street toward Dixwell, and as we were driving, I saw a white police car pull up in front of us with no lights on. Paul stopped the car and I watched the purple police car pass the white car, then pass my car, and stop behind my car. I know the purple car is a Hamden Police car because of the color. I could see the police officer get out of the Hamden car and was in the street before Paul opened his door. I was still playing music through the car at the time but we could hear each other talk. When Paul opened his door and put his hands up, the officer pulled out his pistol and started shooting with no hesitation. When the police officer started firing, Paul ducked back into the car. He landed low in the seat so that his back was down near the crack where the seat and back portion of the driver seat meet. Paul was not responsive because I was saying stuff to him and touching him, but he wasn't responding. I thought that he might have been shot and was dead. I was trying to take cover from the gunshots, so I was leaning in between the driver and passenger seats, towards the back seat. It was like being in a nightmare. I thought I was going to die.

As the gunfire was going on, I started to feel a tingling, burning pain and numbness in my legs, looked down and saw blood and glass, and I remember thinking that I was shot. I also remember hearing the glass break on the car, starting with Paul's window, then the back window, and then my window. While I was ducking toward the back of the car, I felt something hit the front of my car. I picked up my head, partially sat up, looked forward and felt a fast burning sensation on the right side of my forehead. The reason I picked up my head was because the police car hit my car. I did not see any police officers in front of me, just the white police car. I immediately put my head back down.

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Detective B. S. #431  
Detective Connolly #431

Signature: Stephanie Washington  
Stephanie Washington

Witness: \_\_\_\_\_

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: [Signature]  
Detective Meier #796

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF STATE POLICE

Case Number: GFS 1900182722

STATEMENT OF Stephanie Washington (Cont.)

When the shots ended, I remember saying out loud to Paul that I thought I was shot. Paul was still not responsive, and then some police officers pulled me out of the car and put me on the ground, stomach down. I do not remember what they looked like or which town they were from, but they were restraining me on the ground. I could feel somebody holding my arms, legs and back on the ground. I kept saying that I didn't want to be on the ground because it was cold and I was lying in broken glass. I could hear the police officers saying there was no gun, and I kept asking "why did you shoot me?" I also could hear Paul yelling "why did you shoot my girlfriend?" After a few minutes, somebody gave me something to put on my head since I was bleeding from my head. I was taken to Yale New Haven Hospital in an ambulance and was there until the day before Easter. I was shot four times, twice in the back, once in the forehead and once in the butt. I had surgery while I was in the hospital, but as far as I know, they never took any bullets or pieces of bullets out of me, and they also told me that I still have some bullets or pieces of bullets inside of me.

I did not recognize any of the police officers that were at the scene. I have since heard the names of the two police officers on the news from Hamden and Yale, and do not have any idea who they are. I used to work at Chipotle in Hamden between October 2017 until January 2019. I remember seeing some of the Hamden Police Officers come in to eat, but can only remember that one of their names might be Pat. I worked at Moo Yah in West Haven (Allentown) for approximately one month prior to this incident, but no longer work there. I also have never been pulled over by any Yale University or Hamden Police officers.

I never saw Paul with a gun on the night of this incident, or anything else that I think would have looked like a gun, even a fake one. I also have never seen Paul with a gun in the entire time that I have known him. I have never let Paul use my vehicle unless I have been with him.

Before we went to the gas station, Binky and Paul were talking outside in the street on Argyle Street because Binky was upset about something that had happened with his baby's mother. Paul was trying to calm him down, and they were hugging. They never had any type of physical fight.

*(Handwritten initials: SW)*

By affixing my signature to this statement, I acknowledge that I have read it or have had it read to me and it is true to the best of my knowledge and belief.

Witness: Det. B S #431  
Detective Connolly #431

Signature: *(Handwritten Signature)*  
Stephanie Washington

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.

I notarized, endorse here: *(Handwritten Signature)*  
Detective Meier #798