

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the New Haven Police Department on October 7, 2022

Robert J. Devlin, Jr.
Inspector General

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Acknowledgements

The Office of Inspector General acknowledges the assistance provided to this investigation by the following:

*Department of Emergency Services and Public Protection, Connecticut State Police Western District Major Crime Squad,
Department of Emergency Services and Public Protection, Division of Scientific Services,
New Haven Police Department,
Hartford Police Department, and
New Haven Judicial District State's Attorney John P. Doyle, Jr.*

INTRODUCTION

On October 7, 2022, at approximately 1:30 a.m., near the intersection of Chapel Street and Blatchley Avenue, New Haven, Connecticut, New Haven Police Officer Chad Curry¹ fired multiple shots from his department-issued handgun in the direction of Jose Claudio². As required by statute³, the Office of Inspector General (OIG) investigated this incident. The results of this investigation are contained in this report.

In summary, the investigation establishes that on October 7, 2022, at approximately 1:30 a.m., New Haven Police Officer Chad Curry heard the sound of what he believed was a car crash and responded to the area of Chapel Street and Blatchley Avenue. He observed that a car had struck a utility pole in front of 157 Chapel Street. Officer Curry saw a male, later identified as Jose Claudio, wearing an orange sweatshirt, going in and out of the damaged car. He also saw a woman near the vehicle walking away. When Claudio saw Officer Curry, he changed direction and headed west on Chapel Street. Officer Curry turned his patrol vehicle around and followed.

Near the intersection of Chapel Street and Blatchley Avenue, Claudio displayed a handgun and fired multiple shots toward Officer Curry striking the windshield of his patrol vehicle. Officer Curry exited his patrol vehicle and returned fire. Claudio ran across the intersection and took cover behind a van. He continued firing at Officer Curry who was now in the middle of the intersection. When Officer Curry realized that he was wounded by returned gunfire, he returned to his patrol vehicle for cover. Claudio then ran north on Blatchley Avenue firing more shots in Officer Curry's direction.

Based on the facts developed during the investigation, I have determined that Officer Curry's use of deadly force was justified in defending himself from the gunfire directed at him by Jose Claudio.

¹ On October 7, 2022, Chad Curry was an African-American male, age 40. He had been a New Haven police officer for 10 years and 9 months. He had no relevant disciplinary history.

² On October 7, 2022, Jose Claudio was a Hispanic male, age 36.

³ As relevant here, General Statutes §51-277a(a)(1) provides: "Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of force by the peace officer was justifiable under section 53a-22."

INVESTIGATION

Stolen Car

On July 22, 2022, Karalyn Duncan made a stolen vehicle complaint to the New Haven Police Department (NHPD). Duncan stated that the previous evening at approximately 6:30 p.m., she had parked her car in the Temple Street Garage and had mistakenly left her wallet and keys on top of her car. When she went back to her car at approximately 7:30 p.m., her wallet and keys were missing. Duncan had a spare key that she used to drive her car home. The next morning, July 23, 2022, at approximately 6:45 a.m., Duncan realized that her car had been stolen from her driveway and she called the NHPD. The car was a black Honda Accord Cross Tour bearing Connecticut Registration C265300. Duncan provided officers with a video recording from her Ring camera showing a suspicious SUV driving back and forth on her street at approximately 3:21 a.m. At 3:52 a.m., the recording showed Duncan's Honda backing out of her driveway. No suspects could be observed in the video.

Accident and Ensuing Gunfire

Christine Pacheco

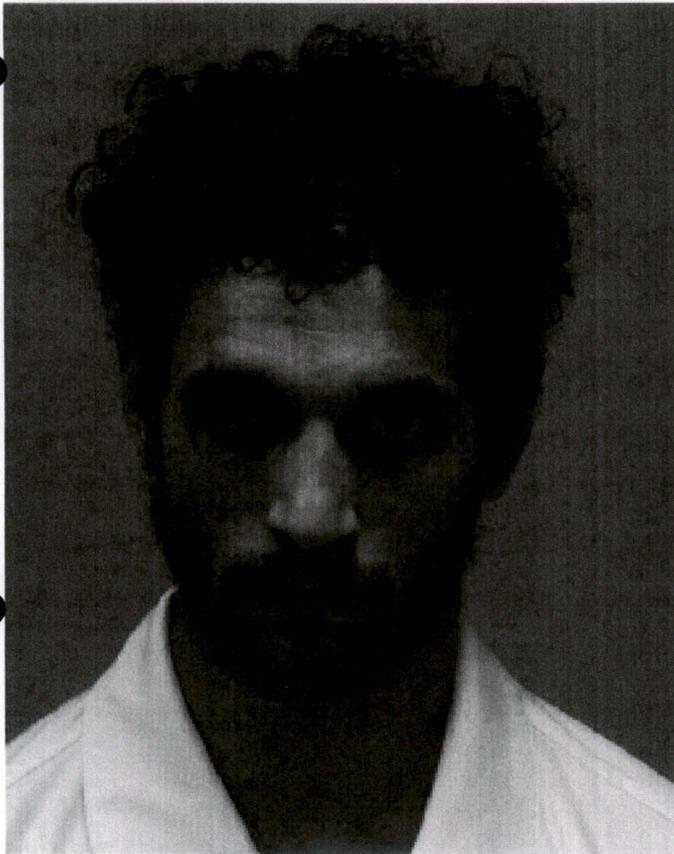
Following the shooting incident, NHPD detectives developed Jose Claudio as a person of interest. A September 15, 2022, police report involving Claudio, identified Christine Pacheco as a possible girlfriend. During the early morning hours of October 7, 2022, NHPD officers went to Pacheco's residence on Greenwich Avenue in New Haven. A person identified as Luis Vargas answered the door. He said that Christine Pacheco was in the house. Luis said that Christine had called him earlier in the night and told him that she was in a car accident. She also said that she had been with Jose Claudio on the evening/night of October 6, 2022. Officers found Christine asleep in the living room. She agreed to come to the NHPD headquarters to speak with detectives.

Christine stated that she ran into Jose Claudio the previous evening around 9:00 p.m. on Grand Avenue near a pizza place. Claudio was wearing an orange shirt and driving a black car. This car was later identified as the black Honda Accord Cross Tour stolen from Karalyn Duncan. Christine was with a friend and they both got into the car. Claudio drove to Brookside where they dropped off Christine's friend. Christine stated that she had known Claudio for about a year, and they had been intimate "a little bit."

While in the black car driving around, Christine fell asleep. She was in the front passenger seat and woke up when the car got into an accident. After the accident, Claudio got out of the car first. Christine then got out of the car and fell. She then walked away. She could

hear people yelling but could not hear what they were saying. Christine stated that she did not hear any gunshots.

During the interview, a detective showed Christine a series of photographs. The photos were shown one at a time. She identified a photograph of Jose Claudio as the person that she was with and who was driving the black car at the time of the accident.



2414-4

100 Percent

Christine

Shortly after the accident, Christine stated that a police officer asked her what happened, but she just started walking. She walked to downtown New Haven. While walking somewhere in Fair Haven, a person said to her, "You hear the shots?" Christine repeatedly insisted that she did not hear any gunshots.

At the end of the interview, detectives showed Christine a single photo of a person standing in a street pointing a gun. The photo was a still shot from Officer Curry's dash camera. She identified the person depicted as Jose Claudio.



Christine Pacheco

10/7/2022

Following the interview, detectives arranged for Christine to receive medical attention for the injuries she received from the car accident.

Police Crash Report

NHPD Officer Christopher Lawrence submitted a report documenting the motor vehicle accident that took place on October 7, 2022, on Chapel Street involving Jose Claudio (Op. #1), Christine Pacheco (Passenger #2), and Karalyn Duncan's black 2010 Honda Cross Tour (Vehicle

#1). The report also refers to a 2004 silver Toyota Camry (Vehicle #2) that sustained damage from being struck by the Honda Cross Tour.

In relevant part, the report provides:

“Op. #1 was driving east bound on Chapel St. and crossed over the intersection of Blatchley Ave. Just after crossing this intersection and continuing eastbound, Vehicle #1 left the roadway jumping the curb and going onto the southern sidewalk of Chapel St. Upon entering the sidewalk, Vehicle #1 struck three smaller trees ... and also a telephone pole was struck.

“Vehicle #1 first made very minor contact with the first tree closest to Blatchley Ave. Vehicle #1 then drove straight through a telephone pole (UI Pole #9109). Vehicle #1 then proceeded straight through tree number two causing it to be completely removed from the ground. Vehicle #2 finally came to rest after striking the third tree and the passenger side rear area of Vehicle #2. Vehicle #2 was legally parked on the street, and unoccupied across from 151 Chapel St.

“The second tree was completely removed from the ground and laying in the middle of the sidewalk. The telephone pole (UI Pole #9109) was broken completely in half. The lower portion of the pole was torn out of the ground. The upper portion of the pole was hanging in the air by the telephone wires. Vehicle #1 then came to rest after striking the third tree which had minor scratches in the bark. This tree was in line with the back end of Vehicle #2, which was parked.

“Op. #1 was found at fault for this accident for failure to maintain proper lane and reckless driving. Op. #1 initially fled the scene of the accident but was later found. Passenger #2 spoke with police and put Op. #1 as the driver of Vehicle #1.

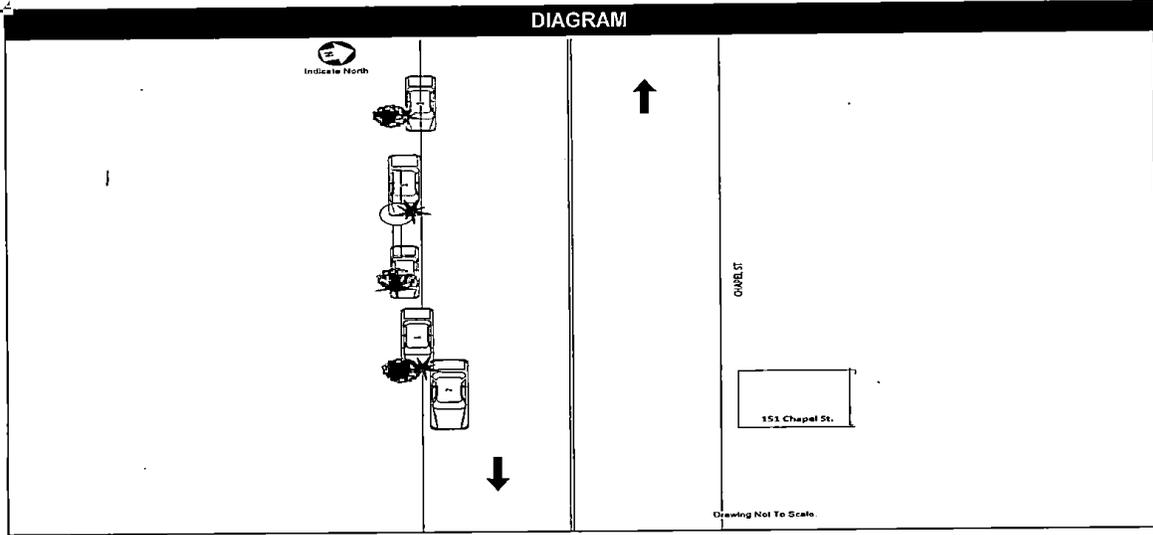
“It should be noted the Vehicle #2 was bearing a misuse plate and was a confirmed stolen vehicle out of New Haven from 7-22-22.

CONNECTICUT UNIFORM POLICE CRASH REPORT
Form PR-1 REV July 2014.01

Case Number:

Crash Summary (Back)

DOT Identifier:
For DOT use only



Vehicles were moved prior to police arrival



[Honda Crosstour]

Melanie Castillo

Following the incident, NHPD officers conducted a neighborhood check for possible witnesses. Officer Ashley McKernan spoke with Melanie Castillo at 151 Chapel Street. Castillo stated that a black car had come down Chapel Street and ran off the road hitting a telephone pole, tree and parked cars. The driver and a female passenger got out. Castillo described the driver as a Hispanic male, approximately 5'7" tall and skinny, wearing an orange long sleeve shirt, green cargo pants and a beanie or construction hat. Castillo described the female as approximately 5'5", average build, wearing a black hoodie, and black sweatpants. In her report, Officer McKernan referred to the two persons as Male 1 and Female 1. Her report continues:

"Castillo stated the following: When Ofc. Curry arrived on scene, Male 1 started walking down Chapel Street toward Poplar Street. Female 1 followed at a distance behind. Ofc. Curry approached the female, however she claimed to have no knowledge of the accident. Castillo and her family yelled to Ofc. Curry that Male 1 was the offender. Ofc. Curry drove his cruiser down after him. They exchanged words and Ofc. Curry attempted to stop him. Male 1 then fled on foot back up Chapel St toward Blatchley Ave. Ofc. Curry then turned his vehicle around and followed the male up the street to the corner of Chapel St and Blatchley Ave. Male 1 then started firing at Ofc. Curry."

Officer Chad Curry

Officer Chad Curry provided a statement regarding the shooting, which may be summarized as follows:

On October 7, 2022, Officer Chad Curry was assigned as a patrol officer in the Fair Haven district of New Haven. At approximately 1:30 a.m., he was on River Street near Poplar Street when he heard the noise of what he believed was a car collision. As Officer Curry drove toward the noise, he saw that a car had struck a utility pole in front of 157 Chapel Street. While surveying the scene with his spotlight, Officer Curry saw a male going in and out of the vehicle. He also noted that the utility pole was broken in half and suspended by wires and appeared likely to fall. Officer Curry drove closer and saw that the male who had been going in and out of the vehicle was now running away from the scene. He wore an orange shirt and light blue jeans.

Officer Curry also observed a woman walking near the vehicle in the same direction as the male. Officer Curry asked her if she was driving the car or if the male was driving the car. She said that she did not know if he was driving and stated that she was just walking. Officer Curry told her to stay where she was and drove after the fleeing man who was wearing the orange sweatshirt. As Officer Curry got closer to the male, he crossed the street in front the police cruiser and ran down the left side of the sidewalk. The male looked at Officer Curry and

suddenly changed direction. Officer Curry turned his patrol vehicle around and followed the male west on Chapel Street toward Blatchley Avenue.

Officer Curry's statement continues:

"When he arrived at the intersection of Blatchley Avenue and Chapel Street I called out to him at which point he turned and fired four shots toward me striking my front windshield. I exited my patrol vehicle and returned fire and ran towards the suspect and communicated to NHPD dispatch "signal 4 he shot at me!" The suspect ran across the street taking cover behind a van and continued to shoot at me. I fired shots at him but at that point I was standing in the road fully exposed and began to move backwards. I then noticed that I was struck by gunfire to the right side of my back near my shoulder and my left cheek. I then got behind my patrol car for cover. I noticed that the suspect continued to run north on Blatchley Avenue and fired two more shots towards me.

"Officer Travaglino and Moran arrived within seconds and provided medical attention. Sgt. Decrescenzo transported me to Yale New Haven Hospital for further medical treatment.

"I have no idea why the man shot at me or why he ran from the car. I fired two volleys of shots but don't know exactly how many shots."

Officer Curry's patrol vehicle was equipped with a dash camera that recorded this incident. To review the relevant portion of the dash camera recording, click [here](#). To review the relevant portion of Officer Curry's body-worn camera (BWC), click [here](#). It appears that at the elapsed time mark of 0.02:23, the BWC falls onto the pavement pointed upward.

At the hospital, NHPD officers spoke to one of the doctors, Samuel Butensky, M.D., who described Officer Curry's injuries as (1) one gunshot wound to the left ear area, which was superficial, with the projectile removed, and (2) one gunshot wound to the right rear shoulder, with the projectile still inside Officer Curry's body. Dr. Butensky described the injuries as serious but not life threatening.

Criminal Investigation

NHPD detectives identified Jose Claudio as a suspect in the shooting of Officer Curry based on (1) a review of the recordings from his dash camera and body-worn camera, (2) the information gathered from the neighborhood canvas, and (3) the photographic identification by Christine Pacheco. Detectives spoke to a Cooperating Witness (CW) who was familiar with Claudio and provided detectives with his current telephone number: 908-499-1063. A law enforcement database revealed that number to be active, under the control of T-Mobile, and subscribed to Jose Claudio of 183 Wolcott Street, 1st floor, New Haven, CT.

At the detectives' request, the CW placed a call to telephone number 908-499-1063 and spoke to Claudio. During the conversation, Claudio told the CW that he was with "Charlene." A search of Claudio's Facebook account revealed a friend with the name Charlene Gonzalez. The CW identified a photograph of Charlene Gonzalez as Claudio's associate. A law enforcement database showed Charlene Gonzalez with a current address of 466 Hillside Avenue, apartment 1, Hartford, CT. NHPD officers responded to 466 Hillside Avenue, Hartford to conduct surveillance. At approximately 9:23 a.m. on October 7, 2022, exigent ping information from T-Mobile confirmed that telephone number 908-499-1063 was within 538 meters of 466 Hillside Avenue, Hartford.

At approximately 9:53 a.m., a NHPD officer observed a white Honda Civic with California registration 3ULL385 pull out of the driveway at 466 Hillside Avenue with one occupant. The officer observed the driver to be a Hispanic male wearing a white baseball cap. Based on his earlier review of booking photographs, the officer believed the operator to be Jose Claudio. The Honda Civic travelled to 34/36 Putnam Street, Hartford and pulled into a driveway. At approximately 9:40 a.m., exigent ping information from T-Mobile confirmed that telephone number 908-499-1063 was within 538 meters of 34/36 Putnam Street, Hartford.

With this information, at approximately 10:20 a.m., the Hartford Police Department (HPD) deployed multiple drones in the airspace above 34/36 Putnam Street. The drone camera footage confirmed that the white Honda Civic was parked in the rear parking lot of 34/36 Putnam Street. At approximately 11:56 a.m., a HPD drone captured images of two males exiting the rear of 34/36 Putnam Street. One of the males, wearing a blue and green hooded sweatshirt and camouflage pants, had a tattoo on his right hand. Photographs from the Connecticut Department of Correction confirmed that Claudio had a tattoo on his right hand. The males left in a green Honda.

At 12:52 p.m., officers observed the male wearing the blue and green hooded sweatshirt and camouflage pants return in the green Honda and enter 34/36 Putnam Street.

Earlier in the day, NHPD officers had obtained an arrest warrant for Claudio charging him with numerous crimes including Assault in the First Degree (General Statutes §53a-59) and Assault on a Public Safety Officer (§53a-167c). Additional exigent ping information put telephone number 908-499-1063 within 550 meters of 34/36 Putnam Street. Based on the exigent pings and the drone footage of a male matching Claudio's description entering 34/36 Putnam Street, members of the HPD and NHPD evacuated all occupants of the residence. Two people, Ernie Negroni and Ernie Negroni, Jr. exited 34 Putnam Street 1st floor and surrendered to police. Officers asked Negroni Sr. if anyone else was inside. He said there was "one more guy." When asked if the person was armed, Negroni Sr. said that the person had a gun inside a backpack.

At approximately 4:00 p.m., Jose Claudio exited 34 Putnam Street and surrendered to police on scene. During a post arrest interview, Claudio said that his telephone number was 908-499-1063.

Later in the evening of October 7, 2022, NHPD officers obtained a search warrant for 34/36 Putnam Street, 1st floor, Hartford. Pursuant to the execution of that search warrant police seized a number of items including cash, ammunition, a black firearm suppresser, a black Keltec Sub2000 .40 caliber folding carbine, a large quantity of suspected marijuana, and a black Taurus G3C 9mm semiautomatic firearm containing a loaded magazine. The Taurus firearm was located inside a hamper in a bedroom. Police also seized two laminated social security cards for Jose Claudio and a piece of mail addressed to Jose Claudio, 183 Wolcott Street, New Haven.



[Taurus pistol recovered from 34 Putnam Street, Hartford]

The two firearms and suppressor were given to a NHPD Bureau of Identification detective to be processed at the state laboratory.

Scene

Beginning at approximately 3:00 a.m., detectives from the Connecticut State Police Western District Major Crime Squad (WDMCS) responded to the intersection of Chapel Street and Blatchley Avenue New Haven to process the scene. Chapel Street is a paved two-lane road running generally east west. Blatchley Avenue is a paved two-lane road running generally north south.

A walk through of the scene revealed a disabled motor vehicle on the sidewalk of Chapel Street off of the eastbound lane. The vehicle had heavy front-end damage and the front end was embedded against a tree that was located in the grass strip between the road and the sidewalk. A severed portion of the tree was on the sidewalk adjacent to the vehicle along with numerous branches laying on top of the vehicle.



A portion of a severed utility pole (UI Pole #9109) was in the roadway. The remainder of the pole was suspended in the air by overhead utility wires.



Officer Curry's police vehicle was in the Blatchley Avenue crosswalk facing northbound. The vehicle was running, and the driver's door was open. Detectives saw glass on the roadway along with multiple bullet casings.





A red blood-like substance was observed on the Chapel Street sidewalk curbing east of Blatchley Avenue. There was a dark colored minivan parked on the southeast lane of Blatchley Avenue. Detectives observed two damaged areas of the windshield consistent with being struck by a high velocity projectile. There were multiple shell casings on the sidewalk adjacent to the van.



Detectives noticed multiple holes in the eastern siding of the building at 167 Chapel Street. These holes were consistent with being struck by high velocity projectiles.



[Trajectory rods showings bullet holes in siding of 167 Chapel Street]

In the parking lot behind 167 Chapel Street, was a gray van. The driver's side window and rear liftgate were damaged.



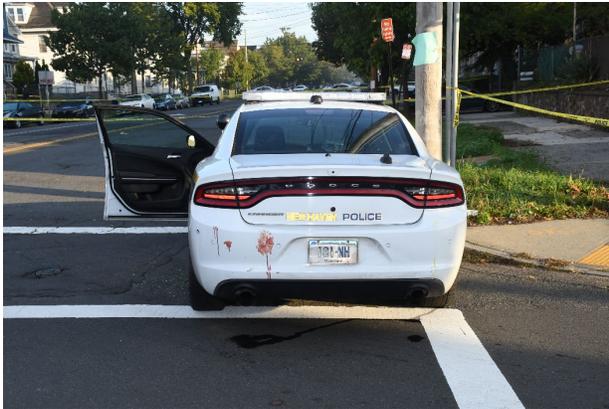
The vehicle that hit the utility pole and collided with a tree was a black 2010 Honda Accord Cross tour bearing Virginia passenger registration AUD22072.⁴ This vehicle struck the right rear bumper of a Toyota Camry parked on the shoulder of Chapel Street.

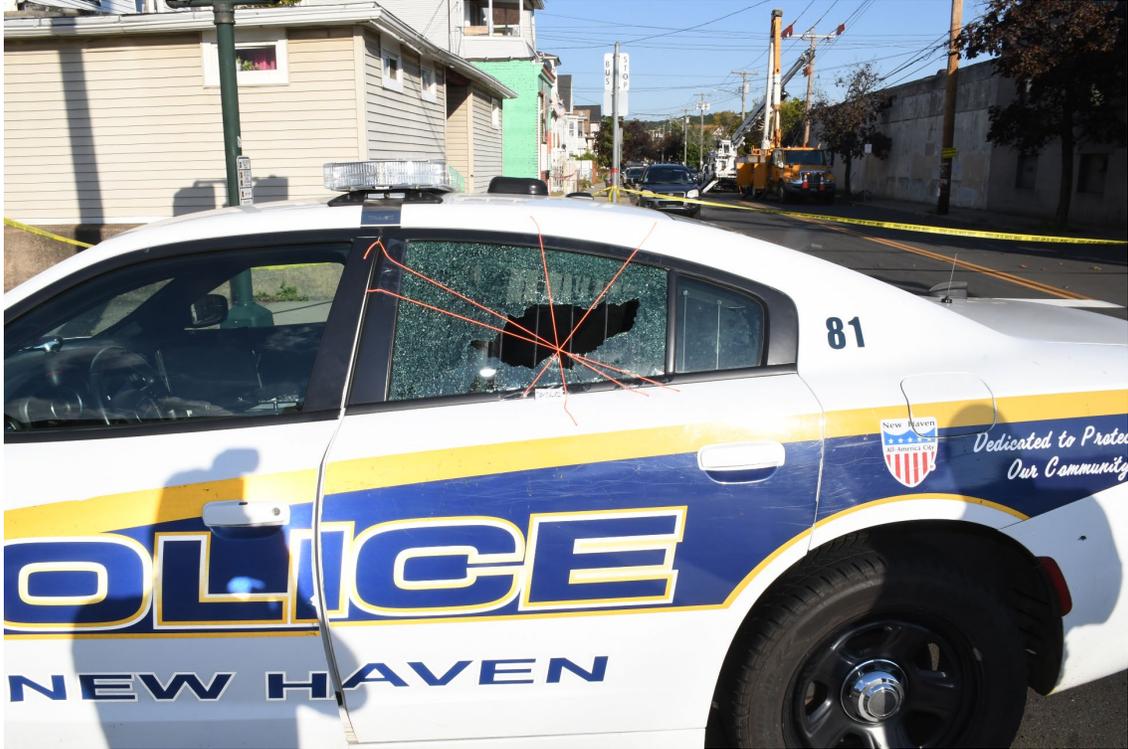


⁴ This license plate had been substituted for Connecticut registration C265300 that was on Karalyn Duncan's vehicle at the time that it was stolen.

Among the items located inside the Honda was a black pouch containing personal documents with the name Jose Claudio of 183 Wolcott Street, New Haven, CT.

Officer Curry's police vehicle, a 2020 Dodge Charger with blue and yellow New Haven Police markings, was examined. Detectives observed six bullet holes in the vehicle's exterior. There was one bullet hole in the hood, one bullet hole in the windshield, one bullet hole in the driver's side rear window, two bullet holes in the driver's side rear bumper, and one bullet hole in the passenger side front door.





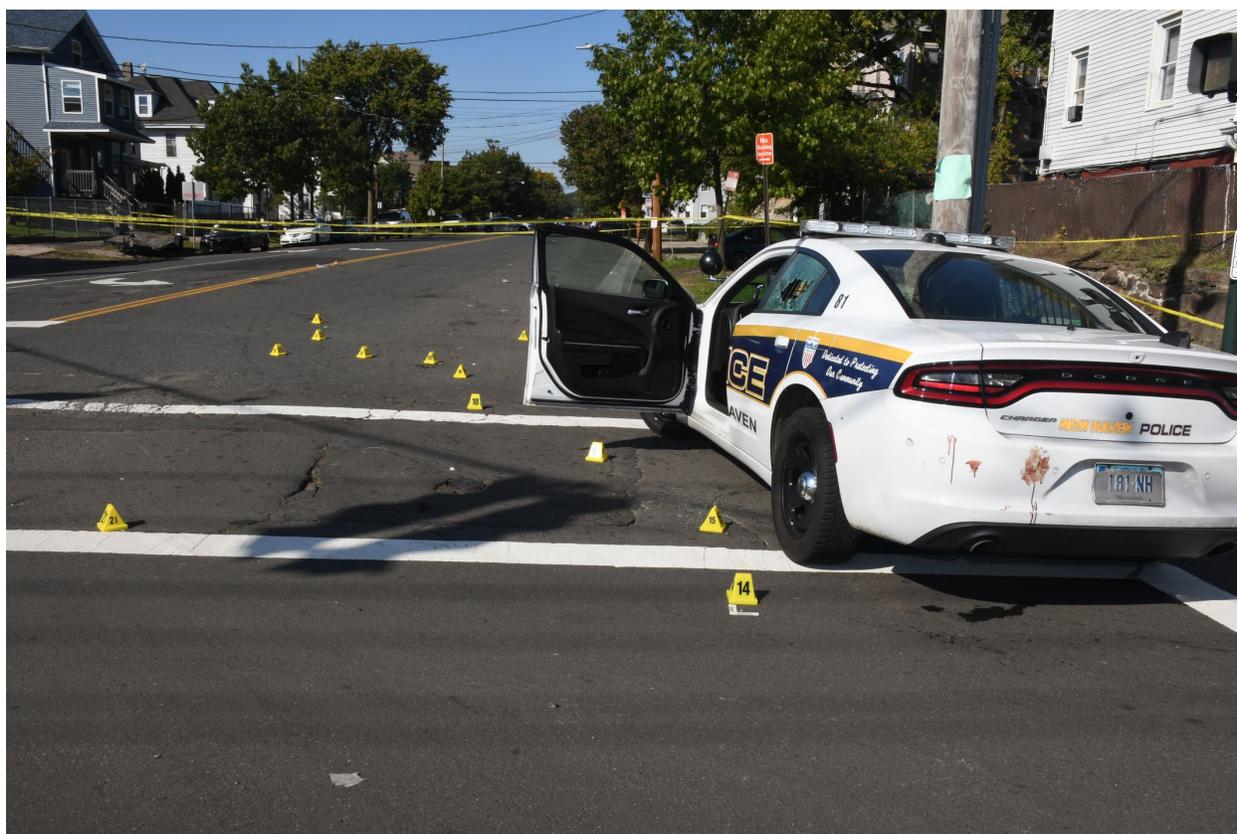
Responding officers, while attending to Officer Curry's injuries, secured his duty belt containing his department issued pistol (black Glock 9mm pistol serial #BNNM627) in the trunk of Officer Curry's patrol vehicle.



Detectives searched the roadway and surrounding area at the intersection of Chapel Street and Blatchley Avenue and seized multiple items of evidentiary value. As relevant to this report, those seized items included:

- Exhibit 0007 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0008 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0009 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0010 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0011 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0012 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0013 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0016 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0017 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0018 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0019 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0020 One silver colored Luger 9mm F.C. bullet casing,

- Exhibit 0022 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0023 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0024 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0025 One silver colored Luger 9mm F.C. bullet casing,
- Exhibit 0015 One gold colored Luger 9mm USA bullet casing,
- Exhibit 0021 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0027 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0028 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0029 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0030 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0032 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0034 One gold colored Luger 9mm Winchester bullet casing,
- Exhibit 0035 One gold colored Luger 9mm Winchester bullet casing.



Firearms Analysis

Officer Curry's Glock 9mm semi-automatic pistol, the above-described bullet casings, and the Taurus 9mm semi-automatic pistol seized by the NHPD from 36/36 Putnam Street, Hartford were sent to the Department of Emergency Services and Public Protection Division of Scientific Services, Firearms Unit for analysis and comparison.

The Taurus 9mm was test fired and determined to be operational. The Glock 9mm was likewise test fired and determined to be operational. Based on class characteristics, the Firearms Unit separated the bullet casings into two groups. WDMCS exhibits 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, and 25 were in one group (Group 1). WDMCS exhibits 15, 21, 27, 28, 29, 30, 32, 34, and 35 were placed in a second group (Group 2).

The Firearms Unit determined that all of the bullet casings in Group 1 were fired in the same firearm. Through further microscopic comparison, the Firearms Unit determined that the bullet casings in Group 1 were all fired in Officer Curry's Glock 9mm semi-automatic pistol. The Firearms Unit determined that all of the bullet casings in Group 2 were fired in the same firearm. The Firearms Unit further determined that the bullet casings in Group 2 were all fired in the Taurus 9mm semi-automatic pistol recovered by the NHPD from 34/36 Putnam Street Hartford.

FINDINGS

The investigation supports the following findings of fact relevant to Officer Chad Curry's use of deadly force.

1. During the early morning hours of October 7, 2022, New Haven Police Officer Chad Curry was on patrol in the Fair Haven section of New Haven.
2. At approximately 1:30 a.m., Officer Curry heard the sound of a car collision and responded to the intersection of Chapel Street and Blatchley Avenue. At that location, he observed that a vehicle had struck a utility pole and broken it in half. Officer Curry also observed that Jose Claudio, wearing an orange shirt, was going in and out of the vehicle and then fled the scene.
3. Officer Curry followed Claudio. When Claudio saw Officer Curry, he changed direction and proceeded west on Chapel Street toward Blatchley Avenue. Officer Curry turned his police vehicle around and followed.
4. At the intersection of Chapel Street and Blatchley Avenue, Officer Curry called out to Claudio. Claudio turned and fired multiple shots at Officer Curry striking the front windshield of his police vehicle. Officer Curry exited his vehicle and returned fire. Claudio ran across the intersection and took cover behind a van. From this position, he fired additional shots at Officer Curry. Two bullets struck Officer Curry.
5. Officer Curry, who was now standing in the middle of the intersection, fired additional shots. When he realized that he had been struck, he returned and took cover behind his patrol vehicle. Claudio ran north on Blatchley Avenue firing additional shots toward Officer Curry.

6. Officer Curry sustained gunshot wounds to his left ear area and right rear shoulder. There were six bullet holes in his NHPD police vehicle.

7. WDMCS detectives recovered twenty-six bullet casings from the scene. The Division of Scientific Services Firearms Unit determined that sixteen were fired from Officer Curry's department issued Glock semi-automatic pistol and ten were fired from the Taurus 9mm semi-automatic pistol recovered at 34/36 Putnam Street, Hartford at the time of Claudio's arrest at that location. Claudio used this gun to shoot at Officer Curry.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on October 7, 2022, in relevant part, provides:

“(a)(1) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or prevent an escape from custody.

(2) A peace officer ... who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b), (c), and (d) of this section unless such warrant is invalid and known by such officer to be invalid.

(b) Except as provided in subsection (a) ... of this section, a peace officer ... is justified in using physical force upon another person when and to the extent that he or she reasonably believes such use to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) (1) ... a peace officer ... is justified in using *deadly physical force* upon another person for the purposes specified in subsection (b) of this section only when his or her actions are objectively reasonable under the circumstances, and:

(A) He or she reasonably believes such to be necessary to defend himself or herself or a third person from the use or imminent use of deadly physical force ...” (Emphasis added).

The statute further provides:

“For the purpose of evaluating whether the actions of a peace officer ... are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to,

whether (A) the person upon whom deadly force was used possessed or appeared to possess a deadly weapon, (B) the peace officer ... engaged in reasonable de-escalation measures prior to using deadly physical force, and (C) any conduct of the peace officer ... led to an increased risk of an occurrence of the situation that precipitated the use of force,” §53a-22 (c)(2).

Accordingly, a police officer is justified in using deadly physical force upon another person when the officer reasonably believes such force to be necessary to defend the officer or a third person from the use or imminent use of deadly physical force. “Deadly physical force” means “physical force that can be reasonably expected to cause death or serious physical injury.” General Statutes § 53a-3(5). “Serious physical injury” means “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.” General Statutes §53a-3(4).

The reasonableness of a police officer’s belief under § 53a-22 is evaluated pursuant to a subjective-objective formulation. *State v. Smith*, 73 Conn. App. 173, 185, 807 A.2d 500, cert. denied 262 Conn. 923, 812 A.2d 865 (2002). Under this test, the first question is whether, on the basis of all of the evidence, the police officer in fact honestly believed that deadly force was necessary to defend himself/herself or a third person. *Id.* If it is determined that the police officer honestly believed that deadly force was necessary, the second part of the test asks whether the police officer’s honest belief was reasonable from the perspective of a reasonable police officer in the officer’s circumstances. *Id.* at 198.

The United States Supreme Court has explained this test in a civil rights case: “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene rather than with the 20/20 vision of hindsight. ... [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.” *Graham v. Connor*, 490 U.S. 386, 396-97, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989).

ANALYSIS

Officer Chad Curry came under immediate lethal threat when Jose Claudio suddenly and unexpectedly opened fire on him. Officer Curry used deadly force in order to defend himself from the actual use of deadly force against him. Such use of force was objectively reasonable and justified under Connecticut law. Consideration of the three reasonableness factors set forth in §53a-22 (c)(2) does not suggest a different conclusion. Claudio was clearly armed with a deadly weapon, there was no opportunity to engage in de-escalation measures, and Officer Curry did nothing to precipitate the confrontation.

CONCLUSION

The investigation establishes that Officer Chad Curry justifiably used deadly force to defend himself. The Office of Inspector General will take no further action on this matter.

Submitted, this 13th day of December, 2023.

A handwritten signature in blue ink that reads "Robert J. Devlin, Jr." with a horizontal line underneath the text.

ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL