

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by
Hartford Police Department
Against Alexander Garay
On November 30, 2024

Eliot D. Prescott
Inspector General

TABLE OF CONTENTS

INTRODUCTION	4
INVESTIGATION.....	5
SCENE	5
STATEMENTS.....	11
OFFICER GABRIELLE ARRUDA	11
OFFICER ELVIS MARTINEZ	14
DIGITAL EVIDENCE.....	17
MEDICAL EVIDENCE AND HOSPITAL RECORDS.....	22
EVIDENCE OBTAINED FROM GARAY’S VEHICLE	22
FIREARM, BALLISTIC, AND TASER EVIDENCE.....	22
FINDINGS	25
LEGAL STANDARD	26
ANALYSIS.....	28
CONCLUSION	30

Acknowledgements

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

Hartford Police Department

Hartford Judicial District State's Attorney's Office

Connecticut State Laboratory--Forensic Unit

Central District Major Crime Squad

INTRODUCTION

On November 30, 2024, Hartford Police Officer Gabrielle Arruda¹ fired two rounds from her service firearm, striking and wounding Alexander Garay, who was armed with a handgun and refused to exit his vehicle. As required by statute, the Office of Inspector General (OIG) investigated this incident.² The results of that investigation are summarized in this report.

More specifically, on November 30, 2024, at approximately 8:15 p.m., Officer Arruda and Officer Elvis Martinez drove to 738 Maple Avenue in Hartford to investigate a report of two individuals engaged in an argument during which one of them brandished a firearm. After arriving there, the officers learned from a concerned citizen that the individual who possessed the firearm had entered a black SUV. When officers approached the vehicle, a Chevrolet Equinox, the vehicle sped away. Although the officers did not pursue the vehicle, they attempted to keep it in their sight by following it without activating the lights and sirens on their unmarked police cruiser.

Shortly thereafter, the Chevy Equinox crashed into a parked vehicle near the corner of Broad and West Preston Streets. Officer Arruda and Officer Martinez approached the vehicle and ordered Garay to show them his hands. He was non-compliant. Because the windows of the Equinox were heavily tinted, Officer Arruda smashed the front driver's side window so that she could see better into the vehicle. When Garay appeared to be reaching for something concealed in his waist band, Arruda twice deployed her Taser, but the deployment was not successful in gaining Garay's compliance.

Meanwhile, Garay moved from the front of the vehicle's cabin to a rear passenger seat where he began to struggle with Officer Martinez through the open rear passenger's side window. Officer Arruda then smashed the rear driver's side window to improve her vision into the car. During Garay's struggle with Martinez, Officer Arruda believed that Garay was attempting to access a handgun that was in his waistband. Officer Arruda again deployed her Taser without success. Garay, in fact, accessed a handgun and was holding it in his left hand. She ordered him to drop the weapon, but, when he did not comply, she fired two rounds at Garay

¹Officer Arruda is a white female who, at the time of the incident, was thirty years old and had been a Hartford Police Officer for five years. She had no prior relevant disciplinary history other than for a violation of departmental policy when she failed, on one occasion, to unmute her body-worn camera (BWC). In the present case, Officer Arruda properly activated her BWC, which recorded this incident.

²General 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."

from her department-issued firearm. He suffered non-fatal gunshot wounds to his left chest and left leg.

INVESTIGATION

Scene

The scene was secured by the Hartford Police Department and subsequently processed by the State Police Central District Major Crime Squad (CDMCS). The scene was in a residential area in the City of Hartford's south end. Specifically, the incident occurred in the roadway and sidewalk area in front of 342 West Preston Street, which is located at the northwest corner of the intersection of Broad Street and West Preston Street. The street runs generally in an eastbound and westbound direction and has single lanes of travel and sidewalks on both sides of the street.



(342 West Preston Street)

Officer Arruda was operating an unmarked gray 2012 Ford Explorer. At the scene, the Explorer was in the westbound lane of West Preston Street, and its rear tires were in the crosswalk at the intersection of Broad Street and West Preston Street. The Explorer's front

bumper was in contact with the rear bumper of a black 2005 Chevrolet Equinox, with a license plate "GARAY".



(Explorer and Equinox)



(Equinox with GARAY plate)

The Equinox was partially in the shoulder/bicycle lane on the westbound side of West Preston Street. Both passenger's side tires were up on the westbound sidewalk.



(Equinox)

The Equinox had front end damage that was consistent with rear end damage to a red Toyota Corolla that was directly in front of the Equinox along the westbound curb.



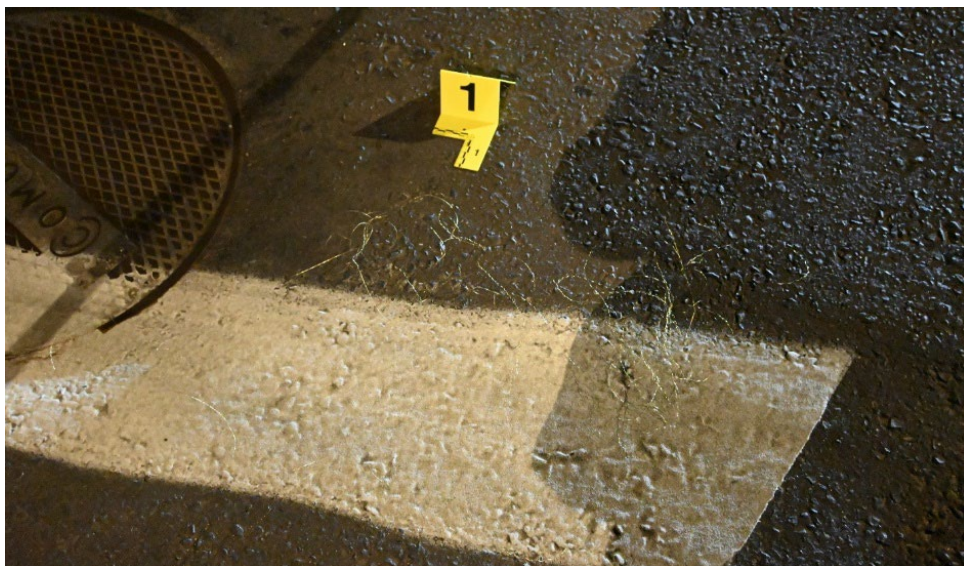
(Equinox and Corolla)

The front end of the Corolla was in contact with the rear bumper of a white Toyota Camry, which was also parked along the same curb. The Corolla's front end Toyota emblem was detached and laying on the rear bumper of the Camry, which itself had minor rear end damage.



(Corolla and Camry)

Taser wires were located, photographed and collected from (1) the pedestrian crosswalk to the left of the Explorer's driver side (Evidence marker #1), (2) the center of West Preston Street (Evidence marker #2), and (3) draped over and next to the Equinox's front driver's side door (Evidence marker #4).



(Taser wire)



(Taser wire)



(Taser wire on car door and ground)

Two expended shell casings were located, photographed and collected from the roadway near the Equinox's front driver's side door. (Evidence markers ## 5 and 6.)



(Shell casing)



(Shell casing)

Statements

Officer Gabrielle Arruda

Officer Arruda filed a police report dated December 3, 2024. It provides in relevant part: "I, Officer Gabrielle Arruda #1929, am a duly sworn member of the Hartford Police Department with a total of 5 years of police service and experience. I am currently assigned to the Hartford Police Department Street Crimes Unit. . . .

"On Saturday, November 30, 2024, Officer Elvis Martinez #1696 and I were assigned to Street Crimes Unit #333 and I was operating our unmarked Hartford Police Department Ford Explorer. The vehicle was equipped with clearly visible red and blue lights and an audible siren. Officer Martinez and I were outfitted in the Street Crimes Unit uniform, to include an outer carrier vest with, 'POLICE,' written in bold, yellow lettering on the front and back of it. Officer Martinez and I were also equipped with a department issued body worn camera that was utilized during this investigation. It is also noteworthy that the Street Crimes Unit operates on a separate radio channel that is regulated and maintained by the Hartford Police Department.

"At approximately 2000 hours, Officer Martinez and I were contacted by Community Service Officer C. Palmieri about a disturbance where a firearm was brandished in the south end of the City of Hartford, Connecticut. Officer Palmieri provided Officer Martinez and I with the contact information for the concerned citizen, who witnessed this incident and was still in the area where it happened.

"Officer Martinez and I then contacted the concerned citizen via telephone and Officer Martinez placed the call on speakerphone for me to hear it. The concerned citizen did not want to provide Officer Martinez and I with their information and wished to remain anonymous.

"The concerned citizen then reported following information as set forth below: That, while the concerned citizen was in the area of the Maple Mini Mart (a convenience store), located at 738 Maple Avenue, Hartford, Connecticut, s/he witnessed a verbal dispute between two Hispanic males. This argument took place on the east sidewalk outside of the Maple Mini Mart. As their argument progressed, one of the Hispanic males, who was wearing a gray sweatshirt and jeans, then produced a small, black pistol from their waistband area. The suspect then pointed the pistol at the other male causing their argument to cease. The two males then went in separate directions from one another. The suspect in possession of a firearm entered a black truck, which was parked on the sidewalk outside of the Maple Mini Mart. The suspect was later positively identified as . . . Alexander Garay

"Officer Martinez and I remained on the telephone with the concerned citizen until we arrived in the area. The concerned citizen provided Officer Martinez and I with continuously updated information of the suspect's whereabouts. Officer Martinez and I relayed any updated information to Officers Gargiulo and Albuquerque on our Street Crimes Unit radio channel.

“As we arrived in the area, Officer Martinez and I asked the concerned citizen for a better description of the suspect’s vehicle. The concerned citizen then told Officer Martinez and I that s/he believed the Sports Utility Vehicle (SUV) to be a small black Chevrolet or General Motor Company (GMC) SUV, similar to a GMC Envoy. The concerned citizen reported that the suspect vehicle was still parked on the sidewalk and the suspect was still seated inside of it.

“Officer Martinez and I then observed a black 2005 Chevrolet Equinox, bearing Connecticut Registration GARAY, parked on the sidewalk outside of the Maple Mini Mart. Based on the concerned citizen’s information, Officer Martinez and I believed this Chevy Equinox was the SUV that s/he was referring to. With the concerned citizen still on the phone, Officer Martinez and I asked him/her if the observed Chevy Equinox was the correct vehicle. The concerned citizen then confirmed the black Chevy Equinox, bearing Connecticut Registration GARAY parked on the sidewalk, was in fact the correct vehicle.

“Street Crimes Unit Officers then devised a coordinated plan to conduct a motor vehicle stop of the Chevy Equinox. Officer Martinez and I then instructed Officers Gargiulo and Albuquerque to pull directly behind the Chevy Equinox. Upon doing so, Officer Martinez and I planned to pull directly in front of the Chevy Equinox with our emergency vehicle’s lights and siren activated.

“With their clearly visible lights and siren activated, Officers Gargiulo and Albuquerque then pulled into the Maple Mini Mart parking lot. As they did so, the Chevy Equinox accelerated forward away from Officers Gargiulo and Albuquerque’s police vehicle. It should be noted that because the Chevy Equinox quickly fled the area upon observing police presence, Officer Martinez and I were not presented with an opportunity to activate our emergency vehicle’s lights and siren.

“Officer Martinez and I then observed the Chevy Equinox traveling south on Maple Avenue. The Chevy Equinox then turned right (west) onto West Preston Street toward Broad Street. I then conducted a ‘U-Turn,’ onto Maple Avenue to maintain a visual of the fleeing Chevy Equinox. It should be noted that during this time, Officer Martinez and I did not activate our emergency vehicle’s lights and siren, and we did not engage the fleeing Chevy Equinox in a vehicle pursuit.

“From a distance of more than one city block (as we were attempting to navigate through the intersection of Maple Avenue and West Preston Street), Officer Martinez and I observed the Chevy Equinox approaching Broad Street. At that intersection, it appeared that Garay lost control of the Chevy Equinox, and the vehicle had crashed along the northwest corner of Broad Street and West Preston Street.

“Shortly thereafter, Officer Martinez and I arrived at the crash scene. It appeared . . . that Garay was the only occupant inside the Chevy Equinox. Officer Martinez and I then exited our unmarked police vehicle to make contact with Garay. I approached the Chevy Equinox on the driver[’s] side, while Officer Martinez approached the vehicle on the passenger side. With

the previous knowledge that Garay was armed with a firearm, I removed my department issued firearm from its holster. I then pointed my firearm at Garay who was in the front driver's seat. I then gave Garay clear, loud verbal commands to, 'Show me your hands.' Garay, however, ignored all of my verbal commands.

"Garay then made several movements inside the Chevy Equinox that caused the vehicle to vigorously shake back and forth. It should be noted that the Chevy Equinox was equipped with tinted windows. However, they were tinted to a level where I still had some visibility of Garay making several exaggerated and overt movements inside the vehicle. Of those movements, Garay continuously made attempts to elevate his upper body off the driver seat to look in Officer Martinez's and my direction. Based on my training and experience, it appeared that Garay was attempting to conceal an item he did not want the police to discover.

"I then heard the mechanical sound of the Chevy Equinox's power doors locking as I arrived at the front driver door. I attempted to open the driver[s] side door and I confirmed that it was in fact locked. Garay ignored all my verbal commands to unlock the Chevy Equinox's doors. I then holstered my department issued firearm and I retrieved my department issued baton. To gain access into the vehicle and to secure Garay, I next utilized my baton to smash the front driver window.

"After I successfully smashed the driver window, I gave Garay additional verbal commands to show me his hands. These verbal commands also went ignored. Garay then began to violently thrash his body around the Chevy Equinox toward the rear cabin area, all while reaching toward his waistband. I then retrieved my department issued Taser 10 and I deployed two (2) taser probes into Garay's upper body, which were ultimately ineffective.

"Following the unsuccessful taser deployment, Garay successfully moved from the front driver seat onto the rear passenger bench seat. Garay landed on the rear passenger bench with his back against the rear passenger side door. Simultaneously, Garay began repeatedly reaching toward his waistband, while yelling something to the effect of, 'Hell nah. I ain't going back.' During this time, I maintained a visual of Garay from the front driver window.

"I then observed Officer Martinez physically grab a hold of Garay's arms from the open passenger rear door window. During the initial struggle, Garay was faced in the opposite direction of Officer Martinez and Garay continued reaching toward his waistband. Garay then removed a small, black handgun from his waistband. I then repeatedly yelled to Officer Martinez, 'He's got a gun, he's got a gun.'

"I then attempted to open the rear driver side door, but it was also locked. I then utilized my baton to smash the rear driver side window. Upon smashing the window, I had a clear and unobstructed view of Officer Martinez and Garay struggling for control of a small black handgun that was in Garay's right hand. During their struggle, I again attempted to utilize my Taser 10 and I deployed two (2) additional probes into Garay's upper chest. This taser deployment was unsuccessful.

“As the struggle between Officer Martinez and Garay continued, Garay transferred the handgun from his right hand to his left hand and out of Officer Martinez’s reach. Garay then pointed the handgun at me. Fearing that Garay was going to shoot myself and Officer Martinez, I dropped my Taser 10 onto the ground. I then again removed my department issued firearm from my holster. I gave Garay numerous clear, loud verbal commands to, ‘drop the weapon,’ which went ignored. I then told Officer Martinez, ‘Elvis, move over,’ and to, ‘watch out.’ As Garay continued to point the gun at me, I then fired two (2) rounds at Garay, striking him.

“Officer Martinez then radioed to Dispatch stating, ‘Shots fired. Officers involved.’ Subsequently, Dispatch activated the emergency tone, which prompted additional units to respond to the scene. Officer Martinez also requested that Dispatch have an ambulance respond to the scene code 3 (lights and siren) for Garay, who was suffering from gunshot wounds to his upper and lower extremities.

“Garay repeatedly yelled, ‘You shot me,’ and he began climbing across the rear passenger bench in my direction. In doing so, most of Garay’s body was concealed by the rear driver side door and I could only see the top of his head. I kept my firearm pointed at Garay and I continued to give him verbal commands to show me his hands. Garay did not comply with these verbal commands, and he did not show me his hands.

“I maintained lethal coverage of Garay as additional Street Crimes Unit Officers arrived on scene. Once it was safe to do so, I repositioned myself to the rear passenger side of the Chevy Equinox. Officer Martinez then opened the rear driver side door, and he secured a black pistol from Garay’s grasp. Officers Gargiulo and Albuquerque then secured Garay into handcuffs and they removed him from the vehicle. Once Garay was secured into handcuffs, Officers Martinez, Gargiulo and Albuquerque immediately began providing Garay with emergency medical attention, until an ambulance had arrived on scene. . . .”

Officer Elvis Martinez

Officer Martinez filed a police report dated December 4, 2024. It provides in relevant part: “On Saturday, November 30, 2024, I was assigned to the Hartford Police South Street Crimes Unit, Unit 333 with Officer Arruda. We were operating an unmarked Ford Explorer equipped with emergency lights and siren. On that date, both of us were in full police uniform and wearing body cameras.

“At approximately 2000 hours, I received a phone call from Officer Palmeri of the Hartford Police Department’s North West Community Service Bureau. Officer Palmeri informed me that he had received an urgent report from a community member who had just witnessed a disturbance in which a man displayed a firearm near the Domino’s Pizza Plaza on Maple Avenue. He described the caller as a reliable individual with a strong rapport with the police

department. Due to her proximity to the incident, the caller requested to remain anonymous out of concern for potential retaliation.

“To gather firsthand information, I obtained the caller's mobile number and called her. Upon contacting her, I confirmed her status as the complainant. She reported that she had witnessed a disturbance at the Domino's Pizza Plaza, during which a ‘chubby’ Hispanic male brandished a firearm toward another male. The Hartford Police Street Crimes Unit operates on a dedicated radio channel, typically used by unit members, their supervisors, and the Hartford Police Dispatch Center.

“To relay the information I received, I used the Street Crimes channel to update the unit members with the latest details. While I was gathering information from the complainant, I placed the call on speaker mode to facilitate simultaneous communication via radio.

“The complainant reported that the suspect entered a black truck. When I asked her for more specific details about the vehicle's style, she clarified that it resembled an SUV, similar to a GMC Envoy. I then contacted Detective Citta from the Capitol City Command Center (C4) to request assistance in locating the black SUV using the city surveillance cameras. As we approached the area, the complainant provided a potential address of 738 Maple Ave. I relayed this information to Detective Citta to aid in locating the vehicle.

“At this time, Street Crimes officers, were just a few blocks away from 738 Maple Ave. I asked the complainant to confirm the current position of the vehicle. She informed me that a black SUV was parked on the sidewalk at that address, facing south.

“During the call, the complainant briefly put me on hold. I could hear her asking someone else for the license plate number. When she returned, she relayed that the license plate on the SUV read ‘GARAY.’ I promptly communicated this information to the unit members.

“Since we were operating an unmarked police vehicle, we decided to drive past the black SUV to confirm its visual presence. As we passed by, we observed the black SUV parked on the sidewalk, facing south at 738 Maple Ave. The license plate ‘GARAY’ was clearly affixed to the rear of the vehicle, confirming the complainant's report.

“At this point, we maneuvered our vehicle to face north near the Dunkin' Donuts parking lot at 754 Maple Ave. Officers C. Gargiulo, S. Albuquerque, Arruda, and I positioned ourselves near the parking lot to devise a plan to stop the black SUV. The plan was for Officer C. Gargiulo and Officer Albuquerque to approach the vehicle from the rear, while Officer Arruda and I approached from the front.

“As we attempted to move in, the SUV suddenly accelerated forward, driving south on the sidewalk, cutting through the Dunkin' Donuts parking lot, and then onto Maple Ave. As we turned our vehicle around to follow south on Maple Ave, we observed the black SUV make a westbound turn onto West Preston Street. . . .

“As the black SUV navigated the intersection of West Preston Street and Broad Street, it disregarded a stop sign and lost control while swerving to avoid a northbound vehicle on Broad

Street. The SUV came to a stop at the northwest curb of Broad Street and West Preston Street. We approached the SUV from behind, exiting our vehicle and issuing clear, verbal commands for the driver to show his hands. As I rounded the back passenger side of the SUV, I noticed the rear passenger window was partially down, giving me a limited view of the driver inside.

The operator, later identified as Alexander Garay . . . displayed erratic and unpredictable behavior inside the vehicle. He began shouting and abruptly climbed from the front seat to the rear. Using my flashlight, I scanned the interior in an attempt to locate the reported firearm while issuing commands for him to show his hands. I repeatedly tried to open the doors from both sides, but they were locked. Given Garay's erratic behavior and the report that he was in possession of a firearm, I felt it was crucial to maintain my focus on him, as diverting my attention to locate the lock button could put me in a life-threatening situation. Additionally, I noticed a large Pitbull in the back seat, further complicating my ability to focus on the vehicle's controls. When Garay jumped into the rear passenger area, I extended my arm through the rear passenger window and wrapped my left arm around his waist in an effort to locate the firearm. His unpredictable movements made this maneuver particularly challenging. During this time, Officer Arruda broke the front and rear windows of the SUV and deployed her Taser multiple times, but it had no effect. As I struggled to assess the situation, I saw a silver firearm in Alexander's left hand. In an attempt to disarm him, I heard Officer Arruda shout, 'He's got an 83,' indicating that he had a firearm.

"In my final effort to secure the firearm, Garay managed to shift it completely to the right side of his body using his right hand. Officer Arruda yelled, 'El, move!' just as I heard . . . two gunshots. Realizing Officer Arruda had discharged her firearm, I quickly radioed the communication center to report that shots had been fired by an officer.

"I positioned myself near the front of the black SUV and observed Garay still moving around inside. Additional officers arrived on scene and began giving Garay verbal commands. From where I was standing, it was unclear whether he still had the firearm. Given the situation, I drew my department issued firearm and pointed it at him. I observed that other officers had lethal coverage and as it was safe to do so, approached Garay in order to take him into custody.

"As I approached, I noticed that Garay was bleeding from his right hand. When I reached the rear driver's side door, I examined his left hand and found it to be clear of any weapons. Officer Ahmetovic and I then secured Alexander's hands and placed him in handcuffs.

"While escorting Garay from the rear of the SUV, I spotted a silver firearm resting on the back seat. Using an ungloved hand, I retrieved the weapon, ensured it was safe, and placed it in a plastic evidence bag, which I later secured in the rear of our vehicle. I later assisted in locating the gun-shot wounds on Garay's body. Garay was later transported to the hospital for further treatment."

Digital Evidence

The incident was captured on the body-worn cameras of Officer Arruda and Officer Martinez. The most relevant portions of those videos are summarized and linked to below.

Officer Arruda's BWC video

The video from Officer Arruda's BWC shows her approaching the driver's side of Garay's Equinox where it had crashed on West Preston Street. Officer Martinez can be viewed on the sidewalk also approaching the Equinox, but on the front passenger's side. Officer Martinez can be heard exclaiming, "let me see your hands!" Arruda also shouted "hands, hands!"

Arruda attempted to open the front driver's side door, but it was locked. She then used her baton to smash the front driver's side window. Garay was seated in the driver's seat of the vehicle. Arruda ordered him out of the car. When he did not comply, Arruda drew her Taser and deployed it twice at Garay, but to no effect. Garay then repeatedly yelled "get away from me" as he struggled to remove the taser wires. Garay was holding a small smoking pipe or lighter in his right hand. Immediately below is a screen shot of Garay holding the object.



Garay then moved into the rear seat area of the vehicle. Officer Arruda can be seen smashing out the rear driver's side window of the vehicle, while Garay yelled "leave me alone!" Officer Arruda shouted twice, "he is trying to grab something!" Garay appeared to be reaching in the area of his waistband with his left hand. He was still holding the pipe or lighter in his right hand as can be seen in the screenshot immediately below.



(Garay holding pipe or lighter in right hand)

Next, Arruda deployed her Taser, this time through the rear driver's side window, again with no visible effect on Garay. During this Taser deployment, Officer Martinez can be seen reaching through the rear passenger's side window and attempting to subdue Garay by grabbing his right arm. Garay continued to hold the small smoking pipe or lighter in his right hand but had turned his body away from Martinez.

As Martinez and Garay continued to struggle, Officer Arruda shouted twice that he has an “83 in his hand,” which is the Hartford Police Department’s code number for a firearm. She commanded Garay “to drop the weapon.”

A screenshot taken from the video appears to show Garay holding a small black handgun in his left hand.



(Garay with firearm in left hand)

As Officer Martinez and Garay continue to struggle, Officer Arruda can be heard warning Martinez to “watch out” as she began to draw her service weapon from her holster. Arruda then fired two rounds from her firearm at Garay. Officer Martinez could then be heard reporting “shots fired” and Garay yelled “you shot me!” Both officers can be heard ordering Garay to “drop the weapon” and to “put your hands up,” and “put your hands on your head, now.”

Next, Officer Martinez approached the vehicle’s rear driver’s side window and began to place Garay in handcuffs. Garay can still be viewed holding the pipe or lighter in his right hand. Garay was subsequently removed from the vehicle and other officers can be seen rendering him medical aid.

[To view the relevant portion of the video from Officer Arruda’s BWC, click [here](#)]

Officer Elvis Martinez's BWC video

The video from Officer Martinez's BWC shows him approaching Garay's vehicle on its passenger side and from the rear. He ordered Garay to show him his hands. Through the rear passenger's side window, which is halfway down, Garay can be seen sitting in the front seat of the vehicle. Garay briefly showed Martinez his left hand and repeatedly said "please." Garay can be viewed holding a pipe or lighter in his right hand. Garay then turned away from Martinez and did not comply with his orders.

Next, Martinez told Officer Arruda to tase Garay and then walked over to the opposite side of the vehicle where Arruda had just deployed her Taser into the car. After unsuccessfully trying to open the vehicle's driver's side doors, he walked back to the passenger side and could see that Garay had moved into the rear passenger area of the vehicle's cabin. He began to struggle with Garay through the open window and briefly grabbed the waistband of his briefs. Martinez also told Arruda to deploy her Taser again.

Martinez continued to try to subdue Garay, this time by grabbing his right arm. Garay can be seen in the screen shot below still holding the pipe or lighter in his right hand.



(Garay with pipe or lighter in right hand)

Next, Garay seemed to have freed his right arm from Martinez's grasp. Martinez then grabbed the back of the hoodie worn by Garay, as Arruda yelled "drop the weapon, drop the weapon!" After Arruda warned Martinez to "watch out", Martinez released the hoodie and backed away from the vehicle. The sound of two shots being fired can then be heard, which Martinez reported on his police radio.

Martinez then walked to the other side of the vehicle where Officer Arruda, as well as two other officers who had just responded to the scene, had their service weapons drawn and pointed at Garay. The officers commanded Garay to drop his weapon and put his hands on his head. Martinez approached the vehicle and grabbed Garay's right arm to attempt to handcuff him. Garay still held the pipe or lighter in his right hand.

After Garay was handcuffed, Martinez reached into the vehicle and from the vehicle removed Garay's firearm, on which Garay appeared to have partially been laying.



(Garay's firearm being recovered from vehicle)

Garay was then removed from his vehicle and several officers rendered him medical aid.

Martinez placed Garay's weapon on the hood of a cruiser, put on latex gloves, checked the weapon to ensure that there was not a round in the chamber and then placed the weapon in an evidence bag and stored it in the back of the cruiser.

[To view relevant portions of Officer Martinez's BWC video, click [here](#)]

Medical Evidence and Hospital Records

Officers and EMS personnel rendered emergency medical aid to Garay at the scene. He was then transported to Hartford Hospital in critical condition where he continued to receive treatment for gunshot wounds to his left chest and left leg and acute blood loss. He was also suffering from a serious laceration and fracture of his right middle finger.

Personal items of evidence were seized from Garay, including a small clear plastic baggie containing a white powdery substance, which, when tested by the Connecticut State Laboratory, was determined to be cocaine. In this course of his medical treatment, blood and urine samples were taken. Garay tested positive for phencyclidine (PCP), benzodiazepine, and cannabis.

PCP, which is also referred to as Angel Dust, is a powerful dissociative drug that is typically ingested for recreational purposes by smoking. According to the National Institute on Drug Abuse, the effects of the drug typically last four to six hours and include altered perceptions of reality, delusions, hallucinations, paranoia, aggression and anxiety.³ Based upon the toxicology results and Garay's strange behavior during this incident, it is reasonable to infer that he was under the influence of PCP during the encounter.

Garay was discharged from Hartford Hospital on December 5, 2024, and transferred to the custody of the Commissioner of Correction.

Evidence Obtained from Garay's Vehicle

On December 9, 2024, Garay's Chevrolet Equinox was searched and processed for evidence by personnel from the Central District Major Crime Squad pursuant to a search and seizure warrant obtained by the OIG. During the search, several relevant items were seized, including Taser wires and probes, a bullet projectile (Evidence marker #33), and several folding knives. From the center console area and underneath the driver's seat, two small clear plastic bags containing black powder were seized. The powder in each bag was subsequently tested by the Connecticut State Laboratory, which determined that the substance was PCP.

Firearm, Ballistic and Taser Evidence

At the scene, a Taurus Arms G2c 9mm pistol (Serial #ACC662083) was seized from Garay's vehicle by Hartford Police Officer Elvis Martinez and placed in the trunk of Officer Arruda's unmarked cruiser in an evidence bag. There was a blood-like substance on the firearm. The weapon had an attached twelve round capacity magazine. There were nine rounds (marketed by Tulammo) in the magazine, but there was not a round in the chamber. A detective

³See [Drugs A to Z | National Institute on Drug Abuse \(NIDA\)](#).

from the CDMCS rendered the weapon safe and seized the firearm, magazine and live rounds.
(Evidence marker #8)



(Garay's firearm)



(Nine rounds of ammunition from magazine in Garay's firearm)

The firearm of Officer Arruda was seized and submitted for forensic examination. Officer Arruda was armed with Glock 22 .40 caliber pistol (Serial #BKKKY732). At the time it was seized, there was one round in the chamber and thirteen rounds in the attached fifteen round capacity magazine. The rounds were .40 S & W caliber cartridges, manufactured by Winchester. Her duty belt had two additional fifteen round capacity magazines, which both contained fifteen rounds.



(Officer Arruda's firearm and attached magazine)

Arruda's firearm was test-fired and found to be operational. The two expended shell casings that were recovered at the scene (Evidence marker ## 5 and 6) were microscopically compared to an expended shell casing obtained from the test-fire of the weapon. Forensic examination determined that the two expended shell casings originated from Officer Arruda's firearm.

The projectile seized from the interior of Garay's vehicle (Evidence marker #33) was microscopically compared to a projectile obtained from a test-fire of Officer Arruda's firearm and a projectile obtained by a test fire of Garay's handgun. The forensic comparison was inconclusive with respect to the seized projectile originating from Arruda's firearm. The seized projectile was excluded as originating from Garay's firearm.

The firearm and ballistic evidence strongly support a conclusion that Officer Arruda fired her service handgun twice. There is no evidence that Garay discharged his weapon.

Officer Arruda's Taser 10 (Serial #T19C41570) was also photographed, seized and submitted for forensic examination. That examination revealed that she deployed her Taser twice and discharged a total of six cartridges. The Taser report indicates that both deployments were unsuccessful in delivering an effective electrical pulse to Garay.

FINDINGS

The investigation supports the following findings of material fact:

1. On November 30, 2024, Hartford Police Officers Gabrielle Arruda and Elvis Martinez drove to 738 Maple Avenue in Hartford, CT to investigate a report that of two individuals engaged in an argument during which one of them brandished a firearm.
2. The officers learned that the individual who brandished the firearm had entered a black Chevrolet Equinox. That individual was Alexander Garay.
3. When the officers attempted to approach Garay's vehicle, it sped away.
4. The officers did not pursue the vehicle by engaging the lights and sirens on the police cruiser driven by Officer Arruda but they were able to keep the vehicle in their sights.
5. Garay crashed his vehicle a few blocks away, near the corner of Broad and West Preston Streets.
6. Officers Arruda and Martinez exited their cruiser at the scene and approached Garay's vehicle from opposite sides of the vehicle.
7. The officers believed that Garay was armed with a firearm.
8. At the time, Garay was under the influence of PCP, a powerful illicit street drug.
9. The officers ordered Garay to show them his hands and to exit the vehicle, but Garay did not comply.
10. Officer Arruda deployed her Taser through the driver's side front window to subdue Garay, but the deployment was not successful.
11. Garay moved into the rear seat of the vehicle where he began to struggle with Officer Martinez who had reached into the vehicle through the rear passenger's side window.
12. Officer Arruda again deployed her Taser, this time through the rear driver's side window. This deployment was unsuccessful in subduing Garay.
13. Officer Arruda observed Garay trying to access an item in his waistband, which she believed was a firearm.
14. Garay was in fact armed with a firearm, which he held in his left hand. In his right hand Garay held a pipe or lighter.
15. Officer Arruda warned Officer Martinez that Garay was holding a firearm.
16. Garay attempted to transfer the firearm to his right hand.

17. Officer Arruda warned Officer Martinez to watch out and then fired two rounds at Garay, striking him in his chest and left leg.
18. Garay was placed in handcuffs and received medical aid at the scene and later at Hartford Hospital.
19. Garay was critically wounded, but survived his injuries.
20. A firearm belonging to Garay was recovered and seized from his vehicle.
21. Garay was later charged with various felony weapon and drug offenses, which remain pending in Hartford Superior Court.

LAW

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

(b) [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; or

(B) He or she (i) has reasonably determined that there are no available reasonable alternatives to the use of deadly physical force, (ii) reasonably believes that the force employed creates no unreasonable risk of injury to a third party, and (iii) reasonably believes such force is necessary to (l) effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony that involved the infliction of serious physical injury, and if, where feasible, he or she has given warning of his or her intent to use deadly 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 unreasonable 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).

A police officer is also justified in deadly force to when he or she reasonably believes such force is necessary to arrest a person whom the officer reasonably believes has committed a felony that involved the infliction of serious physical injury, provided there are no reasonable alternatives to the use of deadly force, the force employed creates no unreasonable risk of injury to a third party, and, where feasible, the officer has given warning of the intent to use deadly force.

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 as follows: “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 Gabrielle Arruda used deadly physical force against Alexander Garay by firing two rounds at him during this encounter. Accordingly, the critical inquiry in this matter whether her use of deadly physical force was legally justified under the totality of the circumstances.

Under Connecticut law as applicable here, a determination as to whether a police officer's use of deadly force was legally justified requires, in part, consideration of four questions:

1. Did the officer, as a matter of fact, actually – that is honestly and sincerely – believe that he/she or a third person was facing either the actual or imminent use of deadly force when the officer used deadly force?

2. Was that actual belief reasonable in the sense that a reasonable police officer in the officer's circumstances at the time of the officer's actions, viewing those circumstances from the officer's point of view, would have shared that belief?

3. Did the officer, as a matter of fact, actually – that is honestly and sincerely – believe that the use of deadly force was necessary to defend himself/herself or a third person from such threat?

4. Was that actual belief reasonable, in the sense that a reasonable police officer in the officer's circumstances at the time of the officer's actions, viewing those circumstances from the officer's point of view, would share the belief that deadly force was necessary?

Additionally, the reasonableness of the officer's conduct also turns on whether (1) the other person possessed a deadly weapon (or appeared to), (2) the officer attempted reasonable de-escalation measures, and (3) the situation was not precipitated by the officer's own conduct.

First, I conclude that Officer Arruda honestly and sincerely believed that she was facing the imminent use of deadly physical force against her when Garay accessed his firearm and was about to use it to fire on her. She saw the firearm inside the vehicle and that Garay was struggling with Officer Martinez in an attempt to free his arm, presumably so that he could fire on her. She also knew that he was acting erratically and aggressively inside the vehicle, which contributed to her belief that he would use his firearm against her.

Second, I also conclude that a reasonable police officer in Arruda's circumstances at the time of her actions, viewing those circumstances from her point of view, would have shared that belief. Any reasonable officer, if faced with an armed individual acting erratically, failing to

comply with demands to drop a firearm, engaging in a physical struggle with a fellow officer, would conclude that the individual is in the midst of an attempt to inflict deadly physical force.

Third, I conclude that Officer Arruda honestly and sincerely believed that it was necessary to use deadly physical force to counter the imminent threat that Garay would discharge his firearm at her. In the moment, and after having used non-lethal means to obtain Garay's compliance, she yelled out that he had a firearm in his hand and ordered him to drop it. Under those circumstances, it is understandable that Arruda in fact believed that the use of deadly force was necessary to stop Garay from shooting her.

Finally, it is my view that the Officer Arruda's use of deadly physical force was necessary and objectively reasonable under the totality of the circumstances. A reasonable police officer in the same circumstance as Officer Arruda would have fired his or her service weapon at Garay. Garay had a handgun, was acting erratically and desperately, and was beginning to free himself from Officer Martinez's grasp in order to be able to raise his firearm to shoot. He had already refused to comply with the officers' demands that he show his hands, get out of the vehicle, and/or drop the weapon. Moreover, Officer Arruda unsuccessfully attempted to use non-lethal force by deploying her Taser twice at Garay. A reasonable police officer, under these circumstances and at this moment of the encounter, would not have waited to use deadly physical force until Garay was actually firing at him or her. And, notably, Officer Arruda did not precipitate, by her own actions, the necessity to use deadly physical force.

I recognize that Officer's Arruda's written statement is not entirely consistent with the videos from her and Officer's Martinez BWCs. In the videos, Garay never appeared to hold his handgun in his right hand. Instead, the videos depict Garay holding a pipe or lighter in his right hand throughout the entire encounter and even after he had been shot. Although Garay's firearm is visible in his left hand at one point, despite his apparent attempts to do so, he never successfully appeared to transfer it to his right hand as indicated in Arruda's statement. Moreover, the video does not depict Garay pointing the firearm at Arruda. These discrepancies, however, may be explainable for several reasons. First, Officer Arruda, in these emergent and chaotic circumstances, could have confused the pipe or lighter Garay was holding for a firearm. Second, in her memory, she simply may have muddled Garay's right hand with his left hand, as people often do. Finally, as to whether Garay in fact pointed his firearm directly at her, the positioning and perspective of her BWC may not have captured that precise moment.

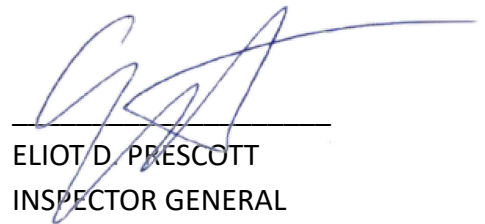
In any event, I do not find these potential discrepancies to undermine my conclusion in this case. There is no factual dispute that Garay had a firearm in his vehicle and, most importantly, that weapon was in one of his hands just before Arruda discharged her firearm at Garay. The necessity to use deadly physical force was not materially diminished because the firearm was in Garay's left hand as opposed to his right hand. Additionally, the use of deadly physical force may be legally justified even if the officer is ultimately mistaken as to the presence of a deadly weapon, as long as the officer honestly and subjectively believed that the

individual possessed a deadly weapon. In other words, the differences between Officer Arruda's written statement and her BWC video are not material.

CONCLUSION

In sum, I conclude that the use of deadly physical force by Officer Arruda was objectively reasonable in response to the imminent use of deadly physical force by Alexander Garay in this incident. Accordingly, I find that her actions were legally justified. I and my office will take no further action with respect to this matter.

October 23, 2025



ELIOT D. PRESCOTT
INSPECTOR GENERAL