

# **Report of the Middlesex State's Attorney Concerning the Investigation into the Use of Deadly Physical Force by Police Officers in Norwich and Willimantic on February 20, 2019**

## **Introduction**

On February 20, 2019, Kryon Sands died as a result of the use of deadly physical force by members of the Willimantic Police Department and the Connecticut State Police. Pursuant to Connecticut General Statutes § 51-277a, the undersigned was designated to conduct an investigation to determine whether that use of deadly force was justified under General Statutes § 53a-22.<sup>1</sup>

As will be detailed herein, the events that culminated in Mr. Sands' death began in the city of Norwich, continued into Lisbon, and ended in Willimantic. The Connecticut State Police Eastern District Major Crime Squad assisted this office in the investigation of the events that occurred in Norwich and Lisbon while the Central District Major Crime Squad assisted in the investigation of the Willimantic scene. Upon completion of their investigations, both the Eastern and Central District Major Crime Squads submitted their investigative results, which included police reports, witness statements, police dash camera recordings, other video recordings, photographs, seized evidence, an autopsy report prepared by the Office of the Chief Medical Examiner, and reports on scientific testing/analysis conducted by the Department of Emergency Services and Public Protection, to the undersigned. Inspectors of the Division of Criminal Justice also interviewed witnesses, visited scenes where the events discussed herein occurred, reviewed videos, and examined reports and evidence.

## **Circumstances of the Incident**

On Wednesday, February 20, 2019, at 10:48 a.m., the Norwich Police Department received a 911 call, which can be heard by following this link, from a resident of 228 Broad Street in Norwich. The caller reported that a person she believed to be her upstairs neighbor was attempting to break into her residence. She reported that the person had been kicking her doors in an attempt to get in and that, at the time of the call, he was upstairs.

The Norwich Police Department identified the incident as a Code 2 (meaning that it was more urgent) and dispatched officers to 228 Broad Street, a multi-unit dwelling. Officers Brad Fournier, Andre Rosedale, and Christopher Nott responded separately. All arrived at the scene within three minutes.

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<sup>1</sup> At the time of Mr. Sands' death, General Statutes § 51-277a required an investigation to be done only when the use of physical force by a police officer resulted in the death of another individual. Since that time, the statute has been amended to also require an investigation to be done when an officer uses deadly physical force even if that force does not result in the death of another person. Because this incident also involved the use of deadly physical force by a Norwich Police Officer that did not result in Mr. Sands' death, consistent with the policy reflected in the amendment to the statute, this report also will address the appropriateness of the Norwich officer's actions.

Officer Fournier<sup>2</sup> was the first to arrive. At the time of the incident, Officer Fournier had been with the Norwich Police Department for 11 years. He was wearing a Norwich police uniform and was armed with a department assigned .40-caliber firearm. Seeing no one in front of the building, Officer Fournier drove to the rear and parked his car. Once out of the car, Officer Fournier noted that the door to the second floor apartment was open.

Officer Rosedale<sup>3</sup> arrived next and parked in front. At the time of the incident, Officer Rosedale, who had been a police officer for almost 21 years, was also in full uniform and carrying a department assigned firearm. As he approached the building, Officer Rosedale spoke briefly to the caller and then proceeded to the back of the building, where he met up with Officer Fournier who advised him about the open door on the second floor. Officer Rosedale watched as Officer Fournier approached the second floor apartment using stairs in the rear of the building. As he climbed the stairs, Officer Fournier identified himself as a police officer.

While Officers Fournier and Rosedale were behind the building, Officer Nott<sup>4</sup> arrived and parked in the front. At the time of the incident, Officer Nott had been on the police force for almost seven years. He was wearing his uniform and carrying his department assigned Smith & Wesson MP .40-caliber handgun. The handgun was fully loaded with 15 bullets in a magazine and one in the chamber. Officer Nott also was carrying two additional magazines, each containing 15 rounds. Upon exiting his car, Officer Nott observed a black male, later determined to be, Kyron Sands, exiting from the front door of the residence at 228 Broad Street, which was later determined to open to a hallway that contained a stairwell leading to the second floor apartment. At the time of the incident, Sands was in a relationship with the tenant on the second floor. Officer Nott approached Mr. Sands and attempted to engage him in conversation. When he did so, Mr. Sands began to walk away quickly and then began to jog along the sidewalk. Officer Nott started to run after Mr. Sands at which point Mr. Sands turned and fired a round from a handgun in the direction of the officer. The shot did not hit the officer. As the officer attempted to find cover, he fired seven rounds from his department assigned firearm at Mr. Sands. None of the rounds fired by Officer Nott appear to have struck Mr. Sands.

The interaction between Officer Nott and Mr. Sands in the front of the building was witnessed by Officer Rosedale who had proceeded to the front of the building when he heard Officer Nott report on the radio that a suspect was running. Several civilian witnesses were also in the area at the time of the encounter. A resident of 234 Broad Street, reported that he was looking out his window and saw a black male raise a gun and fire it at the police officer. He reported that the officer returned fire as the male turned and ran away. A postal worker in the area heard the officer say “Hey, stop” just before hearing a gunshot. He said that he saw the officer duck and dodge in an attempt to get out of the way. He then heard the officer say “gun, gun, gun” and saw the officer draw his gun and start shooting. Other individuals heard shots but did not see who fired them.

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<sup>2</sup> Officer Fournier’s full statement can be viewed by following this [link](#).

<sup>3</sup> Officer Rosedale’s full statement can be viewed by following this [link](#).

<sup>4</sup> Officer Nott’s full statement can be viewed by following this [link](#).

Eight bullet casings were recovered in the area of 228 Broad Street: seven .40 caliber Smith & Weston shell casings that lab comparisons show were fired from Officer Nott's .40 caliber Smith & Weston pistol and one 9 mm Luger shell casing fired from a 9 mm Plymmer-80 pistol, model PF940V2 that was later recovered at the scene of Mr. Sands' death in Willimantic. Also recovered at the scene was a magazine with seven bullets that Officer Nott had ejected from his firearm when he performed a tactical reload of his gun after his initial encounter with Mr. Sands.

Mr. Sands fled on foot to the intersection of Broad and Baltic Streets in Norwich, where he stepped in front of a car (a green Toyota Camry) and ordered the three female occupants out at gunpoint. Officer Rosedale, who had pursued Mr. Sands on foot from the location where the shots were fired, witnessed the incident. The incident was captured on videotape, which can be viewed by following this link.

Mr. Sands entered the car and drove off with officers in pursuit. Portions of the pursuit were captured on surveillance videos from the City of Norwich and several private businesses. Officers lost sight of the stolen vehicle in the town of Lisbon.

Shortly thereafter, Mr. Sands attempted unsuccessfully to steal a car in Lisbon. The driver of that car reported that she was driving in the area of Preston Allen Road when a car in front of her stopped. A black male got out of the car and approached her with a gun in his hand. When the male tried to reach for her door, she accelerated and drove away uninjured. The driver said that as she was driving away she heard the gun hit the pavement. Police later located a broken cell phone case with a card holder attached in the area where the encounter had occurred. Included in the card holder was Mr. Sands' driver's license and other items identifying the card holder as belonging to Mr. Sands. Police also located a Bank of America Debit Card in Mr. Sands' name and an unspent 9 mm Luger round in the area. Police later located the green Toyota Camry that was stolen in Norwich, abandoned but with the engine still running, less than a quarter of a mile away at a residence on Preston Allen Road.

Later, a police canine was used to track the path of Mr. Sands after he left the stolen Camry at the residence on Preston Allen Road. The track revealed that Mr. Sands proceeded down the driveway to Preston Allen Road and then followed Preston Allen Road as it crossed over Interstate 395. The canine followed the track to a low steel fence and an embankment that led to I-395 southbound. The embankment was approximately 200 feet from the residence where the stolen car was located.

Mr. Sands entered the traveled portion of I-395 southbound where he attempted to steal several occupied cars at gunpoint. A mother and daughter who were driving on I-395 that day reported that Mr. Sands approached them pointing a gun in their direction. As they attempted to flee, Mr. Sands fired his gun at the vehicle striking the tire. Ultimately, the operator of the vehicle was able to drive to safety. Bullet fragments were later located in the left front wheel well of the vehicle.

Other individuals reported seeing Mr. Sands shooting at and attempting to enter cars on the highway. One driver reported that Mr. Sands "looked crazy or high" and that he could see Mr. Sands' eyes "bulging out." Upon searching the highway, troopers located two 9 mm Luger shell

casings, one of which was subsequently tested and determined to have been fired from the 9 mm Plymex-80 pistol, model PF940V2 found at the scene of Mr. Sands' death in Willimantic, and an unspent 9 mm Luger round.

Finally, Mr. Sands succeeded in stealing a White Ford Edge. He approached the vehicle that had stopped on I-395 southbound pointing a gun at the lone female operator. He then moved in front of her car and told her to get out. The operator stated she feared for her life and begged Mr. Sands not to shoot her. When she did exit the car, Mr. Sands entered the Ford Edge and drove south on I-395 at a high rate of speed. No one was injured during this encounter.

At 10:52 a.m., State Police dispatchers radioed all units to advise them that Norwich police were in pursuit of a black male who had fired shots at officers. Several minutes later, the dispatchers began reporting that a black male was shooting at cars on I-395 southbound. At 11:03 a.m., a Connecticut State Police unit advised troopers that the male had just stolen a white SUV headed southbound on I-395. The car was later identified as a white Ford Edge.

Hearing these reports, Trooper First Class Robert Maurice, who was on duty that day, responded and positioned his vehicle on Route I-395 near the Route 2 overpass. At the time of the incident, Trooper Maurice had been with the State Police for approximately 13 years. On the day in question he was wearing his uniform and was armed with his State Police assigned .45 caliber Sig Sauer P220 pistol. He was up to date on all required training and completed his firearms recertification on October 30, 2018. He had no prior internal affairs complaints, nor was he the subject of any prior investigations regarding the use of force.

Within a short period of time, Trooper Maurice observed the stolen Ford Edge travel past him at a high rate of speed. Trooper Maurice activated his lights and siren and began to pursue the vehicle. Mr. Sands, driving the Ford Edge, exited onto Route 2 eastbound and then immediately reentered I-395, this time traveling north. Within seconds, he exited I-395 via exit 14. Mr. Sands proceeded through a red light turning left onto Route 32 northbound.

Trooper Maurice pursued the stolen Ford Edge as it continued north on Route 32. During the pursuit, Mr. Sands traveled on the largely two lane road (one lane in each direction) at speeds of more than 100 miles per hour, weaved around other vehicles on the roadway, and ignored traffic signals. Along the way, Mr. Sands was able to avoid "stop sticks" that officers had deployed in the roadway. In total, Trooper Maurice pursued Mr. Sands for approximately 9 minutes and a distance of 23 miles. A video of the pursuit can be viewed by following this link.

Trooper First Class Gregory Decarli was authorized to set out stop sticks in an attempt to stop Mr. Sands. At the time of the incident, Trooper Decarli, who was wearing his uniform and carrying his assigned .45 caliber Sig Sauer P220 pistol, had been with the State Police for approximately 11 years. He had completed all required training, including his firearms recertification on October 22, 2018. He had not been the subject of any prior complaints or investigations regarding the use of force. Trooper Decarli laid the stop sticks across Route 32 in the area of the IGA supermarket in the town of Windham.

Willimantic Police Officer Jonathan Lisee and Corporal Keith Edele were on duty and in the area to assist. At the time of the incident, Officer Lisee had been a member of the Willimantic Police Department for more than 7 years. On the day of the incident, he was working patrol and was wearing a standard issued Willimantic Police Department patrol uniform which included a duty belt equipped with a 9-mm Glock model 17 handgun. Officer Lisee is a member of the department's S.W.A.T. team, a firearms/range instructor and field training officer. Officer Lisee's records show that his training was up to date and that he had completed firearms recertification on October 30, 2018. He had not been the subject of any prior use of force complaints or investigations. At the time of the incident, Corporal Edele had been a police officer in Willimantic for 8 1/2 years. He was also a member of the department's S.W.A.T. team. On the day of the accident, he was assigned to the patrol division and was wearing a patrol uniform, including a department issued Glock model 17 9-mm handgun. He was driving a marked Willimantic Police Department vehicle which was equipped with a Colt M-4 .223 caliber patrol rifle. Corporal Edele was a team medic and field training officer. He was up to date on his training and completed his annual firearms recertification on November 7, 2018. He had never previously been the subject of an internal affairs complaint or investigation regarding the use of force.

As Trooper Maurice continued to pursue the stolen vehicle north on Route 32, the Ford Edge traveled over the stop sticks. Upon doing so, the vehicle swerved to the right off the roadway, down an embankment, and crashed into a group of trees before coming to a full stop on a median in front of 12 Old Plains Road. The airbags were deployed during the crash. Analysis of information obtained from the Airbag Control Module/Restraints Control Module of the Ford Edge revealed that 5 seconds before the crash, the vehicle was traveling 94.1 miles per hour and the accelerator was 97.7 percent activated. The car was airborne when it first made contact with the trees. When the Ford Edge crashed into the trees, Mr. Sands' head struck the windshield. Injuries consistent with that impact are noted in the medical examiner's report.

When the Ford Edge came to rest, officers began to approach the vehicle. Trooper Maurice instructed other officers to turn off his siren so that his commands could be heard and Trooper Decarli did so. As Trooper Decarli was doing that, Trooper Maurice, and Corporal Edele took positions near Route 32 behind and to the right of the vehicle with their guns drawn (Trooper Maurice had his State Police assigned handgun and Corporal Edele his patrol rifle). Officer Lisee was in the vicinity of Trooper Maurice's vehicle.<sup>5</sup>

Several seconds after the stolen car crashed into the trees, Mr. Sands opened the rear passenger door and began to exit. Immediately, the officers began directing Mr. Sands to show them his hands. Ignoring the officers' commands, Mr. Sands began to run away from the officers in the direction of the occupied residence at 12 Old Plains Road. As he did so, Trooper Maurice and Officer Lisee, who had moved toward the Ford Edge when Mr. Sands exited the vehicle, saw that he was in possession of a black pistol.

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<sup>5</sup> The statements of Troopers Maurice and DeCarli, Officer Lisee and Corporal Edele can be viewed by following this [link](#).

As he fled, Mr. Sands extended his right hand, in which he held the gun, in the direction of the officers. At that time, Corporal Edele also saw the weapon. Officer Lisee indicated that, upon seeing Mr. Sands raise the gun in his direction, he feared for his safety and the safety of others and discharged his weapon at Mr. Sands. Shell casings recovered from the scene document that Officer Lisee fired eight shots in the direction of Mr. Sands at that time. Trooper Maurice, who also indicated he feared for the safety of himself and others, fired four rounds at Mr. Sands from his position near Route 32. Corporal Edele fired a single round as Mr. Sands ran toward the driveway at 12 Old Plains Road. It cannot be determined which, if any, of the rounds fired by the officers at this time struck Mr. Sands. A video recording of this interaction, which was captured on Trooper Maurice's dash camera, can be viewed by following this link. The dash camera video also includes audio of the officers commanding Mr. Sands to show his hands when he exited from the car. It is important to note, however, that there is no way of determining whether the dash camera captured all of the commands given by the officers in the moments after Mr. Sands emerged from the vehicle or during the events that followed. None of the officers was wearing a body camera.

The evidence collected at the scene establishes that, as Mr. Sands was running towards the house at 12 Old Plains Road, he fired three shots from his firearm. Police located three shell casings that were determined to have been fired from Mr. Sands' gun near the top of the driveway at 12 Old Plains Road, approximately 22-25 feet from the rear door of the Ford Edge. On the ground near the top of the driveway, officers also located a bullet projectile that had been fired from Mr. Sands' gun. While one witness indicated Mr. Sands fired at the officers before they returned fire, it is not clear exactly when he first discharged his weapon.

After Mr. Sands entered the driveway at 12 Old Plains Road, he fell to the ground dropping the gun he had been carrying. The gun was later located in the front yard near the driveway where Mr. Sands fell. It was sent to the DESPP State Forensic Laboratory for analysis where it was identified as having a Polymer 80 pistol frame, model PF940V2, with no serial number, a Storm Lake Brand 9-mm barrel and an unknown brand pistol slide. DNA analysis establishes that Mr. Sands had been in possession of the gun.

Because of the distance and a row of bushes that obstructed their view, the officers were unaware that Mr. Sands had dropped the gun. When Mr. Sands went behind the bushes Trooper Maurice became concerned that Mr. Sands was reloading his firearm.

After rising to his knees, Mr. Sands stood up and began to run along the left side of the residence toward the back of the house at 12 Old Plains Road. As he did so, Trooper Maurice, fired three shots at him from the area at the top of the driveway. Corporal Edele, who had not pursued Mr. Sands, fired two shots from his position on Route 32. It is not possible to determine which, if any, of these shots struck Mr. Sands.<sup>6</sup>

Trooper Maurice and Officer Lisee pursued Mr. Sands down the driveway where they found him on the stoop trying to force his way into the rear door of the residence. By this time, Trooper

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<sup>6</sup> A video obtained from one of the residences in the vicinity of the incident and depicting the events that occurred in the top portion of the driveway can be viewed by following this [link](#).

Decarli had made his way down the right side of the house to cut Mr. Sands off if he went in that direction. Trooper Decarli climbed to the top of a fence that was separating the property at 12 Old Plains Road from the apartment complex next door and also saw Mr. Sands trying to enter the residence. Trooper Decarli ordered Mr. Sands to put his hands in the air. Ignoring those commands, Mr. Sands continued to try to force his way into the residence.

Trooper Maurice stated that, as Mr. Sands attempted to break into the residence, he feared for the safety of anyone inside. Both Trooper Maurice and Officer Lisee discharged their weapons at Mr. Sands as he was trying to get into the house.

After the officers began shooting, Mr. Sands ran off the rear stoop to the backyard area in the direction of two individuals who, prior to the incidents described herein, had been working on the barn behind the residence at 12 Old Plains Road. Trooper Decarli indicated he feared for the safety of those individuals and the officers involved and fired one shot at Mr. Sands. Trooper Maurice temporarily lost sight of Mr. Sands when Mr. Sands ran off the stoop into the rear yard. When he located Mr. Sands again in the rear of the house, Trooper Maurice fired one round at Mr. Sands. Mr. Sands fell to the ground lying face down. The officers approached Mr. Sands repeatedly commanding him to show them his hands. Those commands can be heard on the audio from Trooper Maurice's dash camera as can a statement from one of the officers that "he's (referring to Mr. Sands) got the gun still."

They ultimately were able to secure Mr. Sands in handcuffs. Evidence recovered at the scene demonstrates that Trooper Maurice fired eight shots at Mr. Sands from the rear driveway area, Officer Lisee fired seven, and Trooper Decarli fired a single shot from the right side of the residence.

In fact, there was a female occupant of 12 Old Plains Road home at the time of the events described above. When she saw that Mr. Sands was trying to force his way into the house, she locked the rear door and ran to the front of the residence.

The two individuals, who were working on the barn behind the residence that day, both reported that they watched as Mr. Sands tried to gain entry to the house. One reported seeing the storm door open as Mr. Sands was trying to access the inner rear door to the residence. While one of the individuals indicated he ran to the rear of the barn before the officers started shooting, the other reported that he watched as the officers converged upon Mr. Sands from both sides of the house. He indicated that, as the officers approached Mr. Sands, they instructed him to drop the gun and show them his hands. The individual reported that Mr. Sands ignored the officers' commands and that the officers then discharged their weapons at Mr. Sands. He indicated Mr. Sands fell on the back porch but then got up and began to run in his direction at which point the officers again fired at Mr. Sands. After the shots were fired, the individual that had run behind the barn heard the officers repeatedly instruct Mr. Sands to show them his hands.

Physical evidence found at the scene confirms that Mr. Sands tried to force his way into the house. Police observed and documented the damage to the rear door that was caused by Mr. Sands. Further, a bullet strike analysis conducted after the incident shows that the storm door was, in fact, open at the time officers fired at Mr. Sands when he was in the area of the rear door.

Upon turning Mr. Sands over and determining that he no longer had the gun, the officers realized that he was in need of medical attention. Trooper Loiler, who by that time had arrived at the scene, assisted in handcuffing Mr. Sands. Trooper Loiler and a Willimantic officer began performing first aid while an ambulance was requested. The officers placed chest seals on Mr. Sands' wounds and began chest compressions until assistance arrived.

Two firefighters from the town of Willimantic arrived and began to assist in trying to resuscitate Mr. Sands. The firefighters placed a defibrillator on Mr. Sands but no shock was recommended. Shortly thereafter, a paramedic arrived from Windham Hospital. The paramedic determined that Mr. Sands was unresponsive. The paramedic reported his findings to a doctor at Windham Hospital and at approximately 11:33 a.m., Mr. Sands was pronounced dead.

On February 21, 2019, an autopsy was performed on the body of Kyron Sands by Deputy Chief Medical Examiner Dr. Maura DeJoseph, D.O. at the Office of the Chief Medical Examiner in Farmington. The autopsy report lists the cause of death as gunshot wounds of the head, torso and extremity. The autopsy report identifies the following gunshot wounds:

1. A perforating wound of the right cheek accompanied by a corresponding exit wound on the face.
2. A penetrating wound of the left rear torso with the bullet lodging in the left pectoral musculature.
3. A penetrating wound of the left upper torso in the area of the shoulder with the bullet also lodging in the pectoral musculature.
4. A perforating wound of the left rear torso with a corresponding exit wound in the left abdominal area.
5. A perforating wound of the right rear torso with a corresponding exit wound in the back.
6. A perforating wound of the left forearm.
7. A graze gunshot wound of the right index finger.

In addition to the gunshot wounds, the autopsy revealed Mr. Sands suffered superficial blunt impact injuries of the head and abrasions on his hands and knees. As noted earlier, the injuries to the head would be consistent with his striking his head on the windshield when the Ford Edge crashed into the trees.

### **Applicable Law and Analysis**

Connecticut General Statutes § 53a-22 authorizes police officers to use deadly physical force in two situations. An officer is justified in using deadly physical force when he or she "reasonably believes such to be necessary to . . . [d]efend himself or herself or a third person from the use or imminent use of deadly physical force." General Statutes § 53a-22(c)(1), and when the officer reasonably believes that the use of such force is necessary to effectuate the "arrest . . . of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force." Deadly physical force is defined as "physical force that can be reasonably expected to cause death or serious physical injury," General Statutes § 53-3(5), while serious physical injury is defined 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.” General Statutes § 53a-3(4).

The Connecticut Supreme Court has held that the reasonableness of an officer’s belief that the use of deadly physical force was necessary must be evaluated by looking at the subjective belief of the officer at the time the force was used and determining whether that belief was objectively reasonable. *State v. Smith*, 73 Conn. App. 173, 185 (2002). In order for an officer’s use of deadly physical force to be justified, the officer must have “honestly believed that deadly force, rather than some lesser degree of force, was necessary” to protect the officer or a third party from the use or imminent use of deadly physical force. *Id.* The United States Supreme Court has held that the reasonableness of an officer’s belief that the use of deadly physical force was necessary “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Graham v. Connor*, 490 U.S. 386, 396 (1989). The Court further instructed that “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Id.* at 396-97. The Supreme Court identified several factors relevant in analyzing an officer’s reasonableness: “[i] the severity of the crime at issue, [(ii)] whether the suspect poses an immediate threat to the safety of the officers or others, [(iii)] and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Id.* at 396.

With these legal principles in mind, the undersigned will address the actions of each of the officers that discharged their firearms at Mr. Sands on February 20, 2019.

#### **Officer Christopher Nott of the Norwich Police Department**

In assessing the appropriateness of Officer Nott’s use of deadly force, it is important to note that Officer Nott did not fire his weapon until Mr. Sands had fired first. By firing a shot at Officer Nott, Mr. Sands presented, not just an imminent, but an immediate threat to the safety of Officer Nott and others in the area. Mr. Sands remained an imminent threat to use deadly physical force even as he ran away from the officer. As he had already demonstrated, he could have turned and fired at the officer at any moment or, as he later would do in Willimantic, fired while running. Given the circumstances with which he was confronted, Officer Nott’s determination that the use of deadly physical force was necessary to protect himself and others in the area from the imminent use of deadly force was reasonable.

#### **Connecticut State Police Trooper First Class Robert Maurice**

Before he used deadly physical force against Ms. Sands, Trooper Maurice had received information that Mr. Sands had fired upon a Norwich Police Officer, discharged his weapon at vehicles on I-395, and stolen at least one motor vehicle at gunpoint. When Trooper Maurice attempted to stop him, Mr. Sands engaged the officer in a high speed chase during which he reached speeds of over 100 mph on a two lane road. During the chase, Mr. Sands drove recklessly, avoided traffic signals and put other cars on the road at risk. Even as the pursuit continued into Willimantic, Mr. Sands showed no signs that he was going to surrender

voluntarily. His attempt to elude the police was only thwarted because the police were able to stop him with the aid of stop sticks.

When Mr. Sands exited the car, he again demonstrated that he was not going to surrender. He immediately began running away from Trooper Maurice and other officers on the scene in the direction of residences in the area. While doing so, Mr. Sands had a gun in his right hand.

Under the circumstances presented, Trooper Maurice's belief that the use of deadly physical force was necessary to protect himself as well as other officers and civilians in the area from the imminent use deadly physical force by Mr. Sands was reasonable. Mr. Sands had already demonstrated that he was willing to use deadly physical force in an attempt to avoid apprehension and/or to accomplish a crime. As was the case in Norwich, Mr. Sands could have stopped and fired his weapon at the officers or anyone else in the area at any moment. Trooper Maurice's belief that the use of deadly physical force was necessary could only have been heightened when Mr. Sands raised the gun rearward in the direction of the officers. In fact, Trooper Maurice was correct in believing that the use of deadly physical force by Mr. Sands was imminent. As noted above, Mr. Sands discharged three rounds from his weapon as he fled from the officers.

The evidence establishes that neither Trooper Maurice, nor any of the other officers, knew that Mr. Sands dropped his gun when he fell in the driveway, and that they believed he possessed a gun throughout the entirety of the incident in Willimantic. Accordingly, Trooper Maurice's belief that Mr. Sands presented an imminent risk of using deadly physical force throughout the remainder of the encounter was reasonable. Even if the officers were aware that he had dropped the gun, however, they had no way of knowing that he did not have another weapon. At any time, Mr. Sands could have dispelled Trooper Maurice's, and the other officers', concerns by surrendering and showing the officers that he no longer possessed the firearm or presented a risk of using deadly physical force. Instead, he continually ignored the commands given by officers, including commands given by Trooper Decarli when Mr. Sands was trying to force his way into the residence at 12 Old Plains Road. In the circumstances presented, the officers had to be concerned, not just about their own safety, but, also, the safety of the residents of 12 Old Plains Road and others in the area, including the men who were working behind the house. It must be kept in mind that the reasonableness of Trooper Maurice's belief that Mr. Sands presented an imminent risk to use deadly physical force must "be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 386, 396 (1989).

### **Officer Jonathan Lisee of the Willimantic Police Department**

Officer Lisee's use of deadly physical force was justified for the same reasons as was Trooper Maurice's. Given what had already occurred to that point, Mr. Sands presented an imminent risk of using deadly physical force when he exited the car with a gun in his hand. He presented a direct threat to Officer Lisee and the other officers at the scene in Willimantic when he raised the gun in the direction of the officers and fired the gun. Because he was unaware that Mr. Sands dropped the gun when he fell in the driveway, Officer Lisee's belief that Mr. Sands continued to

pose a threat to the officers and to the citizens in the area was reasonable. None of Mr. Sands' actions did anything to dispel that belief.

### **Corporal Keith Edele of the Willimantic Police Department**

Corporal Edele's use of deadly physical force was justified. Corporal Edele clearly had reason to believe that Mr. Sands was an imminent risk to use deadly physical force when Mr. Sands got out of the car with the gun and when he pointed the gun in the direction of the officers. Corporal Edele's actions in firing his weapon at Mr. Sands were reasonably necessary under the circumstances to protect himself, the other officers, and members of the public from the imminent use of deadly physical force by Mr. Sands.

### **Connecticut State Police Trooper First Class Gregory Decarli**

Trooper Decarli's use of deadly physical force was justified. When Trooper Decarli saw Mr. Sands at the back door of 12 Old Plains Road he had every reason to believe that he was armed and presented an imminent risk of danger to anyone inside and the other officers in the area. Unfortunately, Mr. Sands ignored Trooper Decarli's commands to show his hands and drop the gun. When Mr. Sands thereafter moved off the back porch toward two individuals who were in the back yard, Trooper Decarli reasonably believed that he presented an imminent threat to the individuals and the officers and fired a single shot. Given the circumstances, Trooper Decarli's use of deadly force was reasonable.

### **Conclusion**

Mr. Sands' death was a tragedy and I, on behalf of the Division of Criminal Justice, extend our condolences to his family and friends. In the situation presented, however, the officers' actions in firing upon Mr. Sands were justified. Mr. Sands initiated the use of deadly physical force by firing upon an officer in Norwich. In trying to avoid apprehension, he stole two cars at gunpoint, attempted to steal several others, and fired at civilians. He then led police on a high speed chase only to exit the car with a gun and fire at the officers at that scene. At no time, did Mr. Sands surrender to authorities or demonstrate that he was no longer a threat to use deadly physical force. The Division of Criminal Justice will take no further action with regard to this incident.

Respectfully Submitted,

/s/

Michael A. Gailor  
State's Attorney  
Judicial District of Middlesex

February 11, 2020

## **APPENDIX**

*The Appendix items and all other linked materials herein referenced are available on the Division of Criminal Justice website, [www.ct.gov/dcj](http://www.ct.gov/dcj):*

Connecticut General Statutes Section 51-277a

Connecticut General Statutes Section 53a-22

911 Call to Norwich Police

Statements of the Norwich Police Officers

- Officer Brad Fournier
- Officer Andre Rosedale
- Officer Christopher Nott

Video of Events on Broad and Baltic Street in Norwich

Trooper Maurice Dash Camera Video of Pursuit

Trooper Maurice Dash Camera Video Willimantic

Statement Trooper First Class Robert Maurice

Statement Trooper First Class Gregory Decarli

Statement Willimantic Police Officer Jonathan Lisee

Statement of Willimantic Corporal Keith Edele

Video from Private Residence