

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning the January 15, 2020 Use of Deadly Force by the
Department of Emergency Services and Public Protection, Division of State Police

Robert J. Devlin, Jr.
Inspector General

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Acknowledgements

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Department of Emergency Services and Public Protection, Division of State Police,
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West Haven Police Department,
New Haven Police Department,
Norwalk Police Department,
Division of Criminal Justice Inspectors,
Middlesex State's Attorney Michael A. Gailor.

INTRODUCTION

On January 15, 2020, at approximately 5:05 p.m. on Campbell Avenue, West Haven, Connecticut, after an extended pursuit on I-95, Connecticut State Troopers Brian North, Joshua Jackson, and Ross Dalling successfully stopped a stolen 2012 Hyundai Sonata being operated by Mubarak Souleman. The troopers' police vehicles effectively blocked-in the Hyundai. Shortly after the stop, Trooper North fired seven shots through the driver's side window of the Hyundai. The bullets struck and killed Souleman who was seated in the driver's seat holding a knife.

Middlesex Judicial District State's Attorney Michael A. Gailor submitted a Preliminary Status Report regarding this incident. On November 3, 2021, pursuant to General Statutes §51-277a(a)(1), the Office of Inspector General assumed responsibility for the investigation.¹ The details of the investigation are contained in this report.²

Stated briefly, the investigation establishes that, at the time Trooper North fired his weapon, neither he nor any other person was in imminent danger of serious injury or death from a knife attack at the hands of Souleman. Further, any belief that persons were in such danger was not reasonable. I therefore find that North's use of deadly force was not justified under Connecticut law.

¹ As relevant here, General Statutes §51-277a(a)(1) provides, "Whenever a peace officer, in the course of such officer's duties uses ... deadly force ... 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 was justified under section 53a-22."

² The timeline for the investigation may be summarized as follows:

1/15/20: Date of incident

1/15/20: Acting Chief State's Attorney John J. Russotto appoints New London State's Attorney Michael L. Regan to lead the investigation.

1/15/20: Connecticut State Police Central District Major Crime Squad commences its investigation.

1/20/20 (approximate): Acting Chief State's Attorney John J. Russotto appoints Middlesex State's Attorney Michael A. Gailor to lead the investigation as replacement for State's Attorney Regan.

1/24/20: State's Attorney Gailor submits Preliminary Status Report.

10/8/21: Robert J. Devlin, Jr. is sworn in as Inspector General.

11/3/21: Office of Inspector General assumes responsibility for the investigation.

INVESTIGATION³

Summary

In January 2020, Mubarak Soulemane⁴ lived with his mother, Omu Mohammed and brother, Saeed Soulemane at 189 Blatchley Avenue, New Haven, Connecticut. According to his mother, at age fourteen he was diagnosed as schizophrenic and prescribed medicine. On January 15, 2020, his mother was out of the country and he had had an argument with his brother that resulted in his leaving their apartment. His brother reported him as a missing person to the New Haven Police Department.

On January 15, 2020, Soulemane visited his girlfriend, Julia Johnson, at her place of work in New Haven. Johnson had observed him to be acting erratic, paranoid, and disorganized. Soulemane told Johnson that he was going to Norwalk. He would take the train. Soulemane texted her at 3:42 p.m. asking if she was home from work yet. At 4:11 p.m., she texted him back informing him that she was still at work.

At approximately 4:15 p.m., Soulemane entered the AT&T store at 584 Main Avenue, Norwalk, CT. He approached the clerk and asked about the purchase of an iPhone 11. The clerk found him to be acting mentally disturbed and strange. After checking his credit, the clerk informed Soulemane that he needed a \$548.00 deposit to purchase the phone. Soulemane left the store but then came back into the store accusing the clerk of disabling his phone. It was at this point that the clerk saw Soulemane holding a knife by his side. It looked like a kitchen knife. Soulemane held the knife but did not point it at the clerk or raise it above his head. The store manager told Soulemane to leave the store and escorted him out. Another store employee called the Norwalk Police Department. Soulemane reentered the store and unsuccessfully attempted to steal an iPhone 11 from a display. The store manager grabbed the phone back. Soulemane then walked out of the store and got into the back of a white Hyundai Sonata that the store manager believed to be an Uber. At 4:30 p.m., the Norwalk Police Department received a call from the AT&T store reporting a man with a knife was inside the store.

Daniel Green, who worked for Lyft, operated the Hyundai Sonata. Green had driven it to the AT&T store to pick up a passenger (Soulemane). While parked outside of the store, Soulemane approached the Hyundai and told Green that he was buying a phone and asked Green to wait a few more minutes. Two or three minutes later, Soulemane came out of the store and got into the back seat of the Hyundai. He told Green, "drive, drive, drive!" As Green

³ This report is intended to comprehensively discuss the investigation into Mubarak Soulemane's death. I fully realize that much of the background information was not known to Trooper North at the time he fired his weapon.

⁴ On January 15, 2020, Mubarak Soulemane was a nineteen-year-old African-American male.

began driving, he saw police officers responding to the AT&T store. Soulemane said to Green, "Give me your phone." Green said, "No." Soulemane then slapped Green on the side of his head and reached into the front seat and attempted to grab Green's phone. Green pulled into a Shell gas station on Main Avenue.

Green got out of the Hyundai and drew his firearm from his waistband. At about that time, he saw a police officer approach the area. As Green attempted to get the officer's attention, Soulemane quickly moved into the driver's seat. The officer ran up to the car and attempted to open the door but it was locked, and Soulemane pulled away and drove onto the Route 7 Connector. The Norwalk police pursued.

Soulemane traveled south on the Route 7 Connector engaging the police in a high-speed pursuit. Officer Taborda, who was the lead cruiser in the pursuit, began to travel in excess of 90 miles per hour (mph) in an attempt to remain close to the Hyundai. The Hyundai made numerous unsafe lane changes in order to get around vehicles and elude the police. At the I-95 on-ramp, the Hyundai passed numerous vehicles on the right in order to gain access to I-95 north. At this time, Sergeant Justin Bisceglie ordered all units to cease the pursuit.

The order to stop the pursuit originated from Lieutenant Bruce Hume who determined that, although originally broadcast as a carjacking, it was possibly a motor vehicle theft only. Sergeant Robert Zwillich later reported to Lt. Hume that the incident was not a carjacking but rather a stolen car that had not been taken with the use of violence.

The Norwalk Police Department ended its pursuit of the Hyundai at 4:39 p.m. Thereafter the Connecticut State Police at Troop G continued to monitor the movement of the Hyundai via Department of Transportation (DOT) cameras. At 4:40 p.m., a motorist called Troop G reporting that a white Hyundai Sonata was traveling northbound on I-95 at a speed of 100mph in the breakdown lane prior to exit 18. Troop G advised Trooper Joshua Jackson⁵ of this report. At 4:48 p.m., Troop G advised Jackson that the subject vehicle was northbound on the median passing the I-95 rest area at a high rate of speed.

At 4:50 p.m., the Norwalk Police Department called Troop G and reported that the Hyundai was wanted for a carjacking. Troop G then advised that the Norwalk incident was a carjacking and that the subject was armed and passing exit 26. The Hyundai continued to drive northbound on I-95 passing exits 26, 27, 28, 29, 30, 31, 32, 33, and 34. At 4:49 p.m., Trooper Brian North⁶ reported being behind the Hyundai which was passing exit 37 at 86mph. At this point, the State Police were in pursuit of the Hyundai.

⁵ On January 15, 2020, Joshua Jackson was a 28-year-old white male. He had been a State Trooper for 5 years.

⁶ On January 15, 2020, Brian North was a 29-year-old white male. He had been a State Trooper for 5 years. He had no disciplinary history.

Trooper North reported that the vehicle was passing exit 38 in the left lane driving at 100mph. Trooper Jackson took over the radio and reported the Hyundai approaching exit 40 in the center lane at 99mph. The Hyundai passed the rest area in the left lane at 100mph. At 5:03 p.m., the Hyundai passed exit 42 in the right lane with Troopers North, Jackson and Ross Dalling⁷ in pursuit. At 5:04 p.m., the Hyundai got off I-95 at exit 43 in West Haven. At 5:04 p.m., the Hyundai turned left at the bottom of the exit ramp. As the vehicle turned onto Campbell Avenue to go under the I-95 overpass, it collided with the rear of a Chevrolet Trailblazer being operated by Cordell Miller. At this same time, Troopers North, Jackson, and Dalling arrived and boxed in the Hyundai. Jackson's cruiser was on the Hyundai's driver side, North's cruiser was diagonally in front of the Hyundai, and Dalling was to the rear. At about this time, officers from the West Haven Police Department arrived as well. At 5:05 p.m., North reported to Troop G over the radio, "Shots fired."

Between 5:04 p.m. and 5:05 p.m., with the Hyundai surrounded by police cruisers, North, Jackson and Dalling exited their cruisers and approached the Hyundai. Jackson ordered the driver out of the car, but received no response. He later said that the driver seemed "out of it." Jackson then proceeded to the passenger side. North took a position at the driver side window and Dalling was to the rear. North directed Jackson to use his Taser. West Haven Police Officer Robert Rappa smashed the passenger side window using Jackson's police baton. Jackson then deployed his Taser through the broken out window toward Soulemane. Rappa yelled "He's reaching!" Soulemane then moved his arm upward holding a knife pointed toward the ceiling of the car. North immediately fired his gun seven times through the driver side window into Soulemane's chest area. North then yelled "Drop the knife!" North was able to break away the shattered glass and retrieved a kitchen knife from the Hyundai that he placed on the hood of the car. Other police officers pulled Soulemane from the car and proceeded to provide medical aid. He was not responsive. Ultimately, Emergency Medical Services arrived and transported Soulemane to Yale New Haven Hospital where he was pronounced dead at approximately 6:03 p.m.

At 5:20 p.m., Lieutenant Hume called Troop G and told dispatch that the Norwalk incident was not a carjacking.

Background

As part of their investigation, Division of Criminal Justice (DCJ) Inspectors interviewed Omo Mohammed, mother of Mubarak Soulemane. She stated that Soulemane was diagnosed with schizophrenia at age fourteen. He took medicine morning and night for this condition. He regularly saw doctors at Yale. At some point, a nurse would come daily to their home to

⁷On January 20, 2020, Ross Dalling was a 40-year-old white male. He had been a State Trooper for 7 years.

administer his medicine. Mohammed could not recall the names of Soulemane's doctors nor the names of the medications that he was supposed to take. She stated that if he did not take his medication, he would become combative and scream, but would not become physical. He would just yell and become argumentative. Omo Mohammed further stated that she never knew Soulemane to carry weapons and she could remember no instance where he had a weapon.

On January 15, 2020, Omo Mohammed was out of the country. She believed, however, that Mubarak was not taking his medication because her other son, Saeed, called her and told her that they had gotten into an argument. Mohammed reported that Mubarak was familiar with Norwalk having lived and gone to school there and that he had friends in Norwalk. She further reported that Mubarak was having issues with his phone. She presumed that that was the reason that he went to the phone store.

At 7:17 a.m. on January 15, 2020, Saeed Soulemane contacted the New Haven Police Department and made a missing person report regarding his brother, Mubarak Soulemane. Officer Krzysztof Rusczyk was dispatched to follow up on the report arriving at 189 Blatchley Avenue at 8:15 a.m. He was met by Saeed Soulemane, who reported that he and his brother, Mubarak Soulemane, were involved in a dispute yesterday. Their mother advised them, via phone, that one of them should leave for the day to avoid further conflict. Saeed showed Officer Rusczyk a text conversation where Mubarak apologized. Saeed thought that his brother was possibly at his girlfriend's house.

While the officer was there, Mubarak texted Saeed. Upon examination, Officer Rusczyk did not see any of the texts as a major concern other than Mubarak being upset over the dispute with his brother. While on scene, Officer Rusczyk called Mubarak and informed him that his brother wished to check on him. He said, "Fine, okay, and thank you." He then hung up the phone. Mubarak then contacted Saeed and asked why Saeed was giving Mubarak's cell phone number to other people.

Officer Rusczyk recommended that Saeed give Mubarak some space because of the dispute. Saeed said that his mother was away out of the country and would return in a week. She was in contact with both Saeed and Mubarak and had been advised of the situation.

At the time of these events, Julia Johnson was Mubarak Soulemane's girlfriend. She had known Soulemane since March 2019 and they started dating in August 2019. He began staying at her apartment frequently in September 2019. Although Soulemane had shared stories with her regarding his mental health, she never pried and was unaware of any official diagnosis. Prior to Friday January 10, 2020, she had not seen any signs of severe emotional disturbance. Starting that Friday, however, Johnson reported that Soulemane's thinking became noticeably paranoid. On Tuesday, the day before the shooting, Soulemane texted her about a physical

altercation with his older brother. Soulemane came to Johnson's place of work and some of his statements were confusing and disorganized. Also, there was an incident where Soulemane bit her tongue. When she pulled away his demeanor changed. He said, "What happened. I would never hurt you." When they left Johnson's job, there was a boot on Soulemane's car. Back at Johnson's apartment, Soulemane's behavior became worse and it was apparent to her that something was not right in his mind. He never slept that night. Johnson described his behavior as "erratic, paranoid, and disorganized."

In her statement to Division of Criminal Justice (DCJ) Inspectors regarding January 15, 2020, she stated:

"On Wednesday, the date of the incident, he came to see me at my job, Artisan Vapor Company, located at 78 Church Street, New Haven. He was acting worse than the previous night. He said he was going to Norwalk to play basketball and get a haircut. He took the train to Norwalk. He texted me later that his phone died on the way. He had problems with his phone; it died frequently. He texted me at 3:42 p.m. and asked me if I was home from work. I texted him back at 4:11 p.m. and said no, I was not done with work. I did not have any contact with him after that last text. I do not remember calling him or him calling me after the last text, but I may have tried calling him because I was nervous for him based on his behavior. I do not remember the times."

Johnson stated that she had never seen Soulemane with a weapon and did not know him to have a knife. After learning that he had been shot, she heard that he had a knife. She went to her kitchen and noted that a knife was missing from her set. She did not know when the knife went missing and did not see Soulemane take it.

During the investigation, DCJ Inspectors showed Johnson the knife recovered by Trooper North from the Hyundai. She identified the knife as the one missing from her kitchen set.

Norwalk Scene

LA Fitness

As part of their investigation, the Norwalk Police Department directed detectives to follow-up on the events of January 15, 2020, at the, (1) LA Fitness Club, (2) AT&T store, and (3) Shell station. Detective John Taranto interviewed Jonathan Colella, operations manager at LA Fitness, 761 Main Avenue, Norwalk.

Colella stated that a black male (later determined to be Mubarak Soulemane) entered the club at approximately 2:50 p.m. He approached the counter, gave the name "Saied Sulemane", and stated that he was a member. That name did not exist in their system with

that spelling. Colella stated that the man began to get aggravated and mumble words. He then just walked to the rear of the club toward the basketball courts. Once at the courts, customers reported to Colella that the man wearing reddish pink pants was acting strange and would not leave the floor. Shortly after this complaint, the black male returned to the counter. Colella said that he was acting suspicious and seemed out of sorts. The man finally left the building but immediately returned. At that point, Colella called the police. Colella described Souleman as having white sneakers, red pants, white t-shirt, and black parka, short hair, shaved on sides. Souleman heard Colella speaking to the police and soon left the building. Colella contacted the Norwalk Police at 3:53 p.m.

Souleman left the club and walked toward Route 7.

The Norwalk Police Department obtained video of Souleman in the LA Fitness Club. To see that video, click [here](#).

AT&T Store

On January 15, 2020, Norwalk Detective John Sura interviewed Giovanna Padilla who worked as a sales representative at the AT&T store located at 584 Main Avenue, Norwalk. Padilla stated that, on January 15, 2020, she was working at the store when a black male (later determined to be Mubarak Souleman) entered and approached the counter. He wanted to purchase an iPhone11 and asked Padilla to check his credit. The male appeared mentally disturbed and was acting strange. Padilla asked to see the male's identification. He produced a passport and wanted to enter his social security number into the database. The male grabbed the tablet from Padilla to enter his number. His credit check came back poor and therefore he had to make a \$548.00 deposit to buy the phone. Padilla told the man that, if he wanted the phone, she would go and get it. He waited at the phone display for about twenty minutes. Padilla said that the man was acting crazy and asked her out on a date. She declined and walked away from him. The male appeared to be talking to himself.

Padilla's statement continues:

"The male left the store and came back very aggressive. The male accused me of disabling his phone even though I never touched his phone. The male stood next to me and I saw him with a knife in his right hand. I did not see him pull it out of his pocket. It looked like a long kitchen knife. The male was just holding it by his side and did not point it at me or raise it above his head. I walked away from the male and went to the office while my manager Alex spoke to the male."

Detective Sura also interviewed Alex Moses, manager of the AT&T store. Moses described seeing a black male wearing pink pants and a dark winter coat enter the store.

Giovanna assisted the male. Moses stated that the male left the store and then re-entered approaching Giovanna and accusing her of disabling his phone. Moses saw the male reach into his right pocket and pull out a knife holding it at his side. Moses told the male to leave the store and escorted him out. Moses told the man that, because of the knife, he could not help him. The male stated that it was for his protection. At that time, Moses saw a white Hyundai, that Moses believed to be an Uber, back up into a space in front of the store. The male walked outside and then re-entered the store and attempted to steal an iPhone11 from the display rack. The male did not have the knife in his hands at this time. Moses grabbed the phone back from him without force and the male walked out of the store and got into the back seat of the Hyundai.

The Norwalk Police Department obtained video of Soulemane in the AT&T store. To view relevant portions of that video, click [here](#) and [here](#).

Lyft Vehicle

Norwalk Detective Michael Pugliese interviewed Daniel Green who was the Lyft driver that picked up Soulemane outside of the AT&T store. Green stated that he pulled into a parking space in front of the store. He waited for two minutes and a black male (Soulemane) approached his vehicle on the driver's side. The male stated, "I am buying a new phone and I am waiting for them to charge my phone. " He asked if I could wait a few more minutes. Green agreed to wait. After approximately two to three minutes, the male came back out and got into the back seat on the driver's side. At that point, Green accepted the fare from Lyft and waited for the GPS to load to provide him with directions as to where to go. The male aggressively stated, "drive, drive, drive." Green responded that he was waiting for the GPS to load. Soulemane said, "I want to go to the Sprint Store in Norwalk." At this time, the GPS loaded and Green began to drive southbound on Main Avenue. As Green drove away from the AT&T store, he saw police responding.

As Green was driving, Soulemane aggressively stated, "Give me your phone!" Green said "No." Soulemane then slapped Green with an open palm on the side of his head. Soulemane also reached into the front of the car and tried to grab Green's phone. Green said, "Calm down, I'm going to give you my phone." At this time, Green pulled into the Shell gas station on Main Avenue.

At the Shell station, Green got out of his car and pulled his firearm from his waistband. As Soulemane got out of Green's car, Green saw a police officer approach the area. When Green attempted to wave down the officer, Soulemane jumped into the driver's seat and attempted to flee. Norwalk Police Officer Daniel Vasquez ran up to Green's vehicle and tried to open the driver's side door but it was locked. Soulemane fled the scene in Green's white

2012 Hyundai Sonata. Norwalk police officers pursued as Soulemane drove toward the Route 7 Connector.

The Norwalk Police Department obtained video of the encounter between Green and Soulemane at the Shell gas station. To view that video, click [here](#).

Norwalk Police

Norwalk Police Officer Felipe Taborda monitored the police dispatch communications regarding the report of a person with a knife at the AT&T store, that person's departure in a white Hyundai Sonata, and that a black male had stolen the Hyundai and was driving south on Main Avenue. Officer Taborda self-deployed to the area of Grist Mill Road and Main Avenue to assist. Taborda saw a Norwalk police cruiser with its lights and siren activated directly behind a white sedan. As the sedan turned onto Grist Mill Road, Taborda recognized the license plate to be the same as the one reported for the stolen Hyundai.

The Hyundai began to make evasive driving maneuvers in an effort to elude the police cruiser behind it. Taborda made a U-turn to join the pursuit. He was able to position his cruiser side-by-side with the Hyundai. Taborda observed the operator of the Hyundai to be a black male. It appeared that the operator had a blank stare on his face and/or was mentally out of it. The Hyundai accelerated and the driver side mirror of the Hyundai struck Taborda's cruiser's passenger side mirror, damaging it.

With Taborda in pursuit, the Hyundai went through a red traffic control signal at the intersection of Grist Mill Road and the Route 7 Connector and began to drive south on the Connector. Taborda was initially the lead cruiser in the pursuit calling out to Dispatch. He began to travel in excess of 90mph. As the Hyundai approached exit 2, Norwalk Police Officer Richard Ribisi became the lead cruiser. The Hyundai continued to make numerous unsafe lane changes to get around vehicles.

The Hyundai drove to I-95 north. It was weaving in and out of heavy traffic. At this point, Sergeant Justin Bisceglie gave the order to cease and terminate the pursuit. Bisceglie had been travelling north on the Route 7 Connector and heard the broadcast that Norwalk units were in pursuit of a stolen Hyundai. Bisceglie turned around in the median and observed a State Police vehicle pull behind the Hyundai.

Bisceglie began watching the pursuit and heard officers advising that speeds were still 90mph. He asked Dispatch if there had been any violence regarding the incident at the AT&T store. Dispatch advised that the knife was only displayed. Due to the excessive speed, heavy rush hour traffic on I-95, and that there was no clear violent crime, Bisceglie advised Dispatch that the pursuit was to be terminated. The pursuit broke off on I-95 north just before exit 16.

Following termination of the pursuit, Bisceglie learned the circumstances by which Soulemane gained possession of Daniel Green's Hyundai Sonata. This information was given to the State Police.

Lieutenant Bruce Hume was in the Norwalk Police Department Administrative Services office when he heard a call over the radio related to a possible carjacking or stolen car and a police pursuit. Hume determined that the incident was not a carjacking and was possibly a motor vehicle theft only. No definite use of force had been indicated by the numerous radio transmissions. Hume contacted the dispatcher and requested that the pursuit be broke off because it was a stolen motor vehicle only. The dispatcher notified units to terminate the pursuit and notified other departments involved, including the Connecticut State Police. While Hume was in Communications, Sergeant Zwillich phoned Supervisor Rawls and stated that the incident was a stolen vehicle only.

A later update indicated that the State Police had broken off involvement and was merely monitoring the vehicle on Department of Transportation (DOT) highway cameras. The State Police, however, again attempted to pull the vehicle over when Norwalk reported it as stolen in a carjacking incident and DOT cameras showed it to be operating in a reckless manner.

Campbell Avenue, West Haven Scene

Connecticut State Police

Three state troopers, Dalling, Jackson and North, were principally involved in the pursuit of Soulemane and the stop at the exit 43 underpass where the shooting occurred. Each state trooper gave a statement. In addition, Jackson and North gave oral statements to their sergeants.

Ross Dalling

Dalling's statement, dated April 22, 2020, is summarized as follows:

The Department of Emergency Services and Public Protection, Division of State Police hired Trooper First Class Ross K. Dalling on June 1, 2012. As of January 15, 2020, he had seven years, six months experience as a trooper. On that date, he was working the evening shift at Troop G and assigned to patrol six that covers I-95 northbound and southbound from exit 27 to 39.

At approximately 4:36 p.m., Dalling was at the Troop G Barracks when he heard Troop G Dispatch broadcast over the radio that the Norwalk Police Department was in pursuit of a

stolen white Hyundai Sonata in the area of Route 7 southbound near exit 1. Trooper Pagoni was with the pursuing Norwalk Police Department vehicles broadcasting his location, speed, and traffic conditions. Dalling heard Troop G Dispatch tell Trooper Pagoni to break off the pursuit.

About ten minutes later, Troop G Dispatch located the white Hyundai on DOT cameras and began to monitor its movements. At 4:47 p.m., Troop G Dispatch broadcast that the Hyundai was in the median and had possibly struck three vehicles. At 4:49 p.m., Troop G Dispatch broadcast that the Norwalk Police Department reported that the stolen white Hyundai incident was now a carjacking incident and to use caution because the individual had a knife. At this point, Dalling left Troop G and took a position on I-95 northbound near the exit 27 entrance ramp alongside Trooper Jackson. The two troopers commenced a "slow roll" of traffic in order to slow down and stop the Hyundai. The Hyundai was able to get around the slowed traffic by driving around a tractor-trailer and through the gore area. At this point, Dalling lost sight of the vehicle.

Dalling next attempted to catch up to and locate the Hyundai. Troop G Dispatch found the vehicle on camera and broadcasted its location. The vehicle continued to drive northbound on I-95 at a high rate of speed. At 4:59 p.m., Trooper North broadcast that he was behind the white Hyundai passing exit 36. At approximately 5:00 p.m., Trooper Jackson caught up with the white Hyundai and Trooper North. Dalling was about 500 feet behind. In the area of exit 40, Dalling activated his cruiser's emergency lights and sirens in order to engage in the pursuit and get around the heavy traffic to catch up with Troopers North and Jackson.

The Hyundai abruptly took exit 43 into West Haven. Troopers North and Jackson were immediately behind following it down the exit ramp. The Hyundai went through a red light at the intersection of the exit 43 ramp and Campbell Avenue. Dalling was 100 feet behind. Trooper Jackson drove along the side of the Hyundai in an attempt to stop the vehicle. The Hyundai collided with a stopped black 2005 Chevrolet Trailblazer. Trooper Jackson positioned the passenger side of his cruiser against the driver side of the white Hyundai. Trooper North positioned his cruiser at an angle in front of Trooper Jackson's cruiser to further box in the white Hyundai Sonata. Dalling pulled directly behind the white Hyundai leaving approximately 15 feet of space between the Hyundai and his cruiser.

Dalling's statement continues:

"Trooper Jackson exited his cruiser, drew his duty weapon while approaching the white Hyundai Sonata and aimed it at the operator of the white Hyundai Sonata while standing next to the driver's door. Trooper Jackson was giving the operator clear verbal commands and attempted to open the front driver's door but it was locked. Trooper Jackson then ran in front of the white Hyundai Sonata and over to the front passenger side of the vehicle. Trooper North

simultaneously exited his cruiser, drew his duty weapon while approaching the white Hyundai Sonata and aimed it at the operator of the white Hyundai Sonata while standing next to the driver's door to provide lethal coverage for Trooper Jackson. Trooper Jackson attempted to open the passenger front door in order to remove the operator from the vehicle, but the door was locked. I simultaneously exited my cruiser and ran over to the passenger side of the Hyundai Sonata next to Trooper Jackson. While standing approximately 5 feet from the white Hyundai Sonata on the rear passenger side, I drew my duty weapon and aimed it at the operator to provide lethal coverage. I observed the operator of the white Hyundai to be a black male, and he was staring straight ahead. A West Haven Police Officer arrived on scene and was standing between me and Trooper Jackson. Trooper Jackson gave the West Haven Officer his baton so he could break the passenger front window to gain entry. Simultaneously, two more West Haven Police Officers arrived on scene. The West Haven Police Officer broke the passenger side front window of the white Hyundai after several attempts. Once the window was broken, Trooper North instructed Trooper Jackson to go to taser, so Trooper Jackson holstered his duty weapon, and drew and deployed his taser. I simultaneously holstered my duty weapon and ran around the back of the white Hyundai Sonata and Trooper Jackson's cruiser to assist Trooper North in extracting the operator from the vehicle. As I was making my way around the rear side of Trooper Jackson's cruiser, Trooper North fired multiple rounds from his duty weapon at the operator through the driver's side window of the white Hyundai Sonata. I then notified Troop G "shots fired, start EMS" and went to turn off the siren in Trooper North's cruiser. I then approached Trooper North and shined my flashlight into the operator's vehicle. I observed Trooper North reach his hand inside the white Hyundai Sonata through the front driver window and remove a chrome/silver knife. Trooper North placed the knife on the hood of the white Hyundai Sonata."

At the time of this incident, Trooper First Class Dalling was wearing a body worn camera (BWC) and his police cruiser was equipped with a motor vehicle recorder (MVR). To view Dalling's BWC, click [here](#). To view Dalling's MVR, click [here](#).

Joshua Jackson

The Department of Emergency Services and Public Protection, Division of State Police hired Trooper Joshua Jackson on January 12, 2015. As of January 15, 2020, he had approximately five years of experience as a trooper. His lawyer, Attorney Jeffrey Ment, provided to DCJ inspectors Jackson's statement, dated March 11, 2020, describing the events of January 15, 2020. A summary of that statement follows.

On Wednesday, January 15, 2020, at approximately 4:30 p.m. Trooper Jackson was at Troop G in Bridgeport. He monitored radio broadcasts by Troop G Dispatch regarding the pursuit of a stolen white Hyundai Sonata by both Norwalk police officers and Trooper Pagoni. He also heard Troop G Dispatch tell Pagoni to break off the pursuit. Thereafter, he was aware

that Troop G Dispatch was following the white Hyundai on DOT traffic cameras. Troop G Dispatch broadcasted that the white Hyundai Sonata was passing I-95 northbound exit 25 in the median. There was a further broadcast that the stolen Hyundai was now a carjacking incident and to use caution because the individual had a knife. At this time, Jackson drove to the I-95 northbound exit 27 ramp and took a post with Trooper First Class Dalling. Jackson and Dalling entered I-95 northbound and began to slow roll traffic until they had traffic completely stopped.

Troop G broadcast that the white Hyundai was passing exit 27A and was behind a tractor-trailer in the right shoulder. Although Jackson drove to the right shoulder intending to approach the stopped Hyundai, it got by the tractor-trailer and went through the gore area between the right lane and exit 27 entrance ramp and got lost in traffic.

At 4:59 p.m., Trooper North broadcast that he was behind the white Hyundai Sonata passing exit 36. At approximately 5:00 p.m., Jackson caught up to the Hyundai and North in the area of exit 38-39. At about one quarter mile south of exit 40, North and Jackson attempted to box in the white Hyundai. North was able to get ahead and Jackson positioned his cruiser on the driver side of the Hyundai and paralleled the vehicle with his cruiser. North and Jackson began to slow down to force the Hyundai to a controlled stop. The operator of the Hyundai (Soulemmane) accelerated and steered the vehicle to the left ramming the passenger side of Jackson's cruiser and driver side quarter panel of North's cruiser. This collision nearly caused Jackson to collide with the concrete barrier in the center median. When Jackson regained control of his cruiser, he took off as the lead vehicle in the pursuit. The white Hyundai began to weave in and out of traffic creating a dangerous condition for all motorists.

The Hyundai abruptly took exit 43 driving down the exit ramp through a red light onto Campbell Avenue. Jackson drove alongside the Hyundai attempting to stop it. The Hyundai collided with the rear end of a stopped 2005 Chevrolet Trailblazer. Jackson positioned the passenger side of his cruiser against the driver side of the white Hyundai Sonata. North positioned his cruiser on an angle in the front of Jackson's cruiser to further block the white Hyundai.

Jackson's statement continues:

"I then exited my cruiser and drew my issued duty weapon and pointed it at the operator of the white Hyundai Sonata while standing next to the driver's door. The undersigned immediately gave the operator of the white Hyundai verbal commands to get out the car, which the operator did not comply with. The operator of the white Hyundai Sonata could have easily exited the vehicle through the passenger side of the vehicle if he had chosen to comply with the verbal commands to get out of the vehicle. The undersigned then repositioned to the passenger side of the white Hyundai Sonata and attempted to open the

passenger side door in order to remove the operator from the vehicle while Trooper North took over lethal cover on the driver side of the white Hyundai Sonata. The passenger front door was locked and did not open. I resumed lethal cover on the operator of the white Hyundai Sonata and handed a West Haven Police Officer my expandable baton so the West Haven Police Officer could break the passenger front window. The West Haven Police Officer broke the passenger side front window of the white Hyundai Sonata. Trooper North then stated to me to go to Taser. I holstered my duty weapon and drew my issued duty Taser. I then positioned the red dots of the Taser onto the operator of the white Hyundai Sonata and deployed my Taser. At this time, I was within a foot or so of the vehicle and intended to extricate the operator while the operator was under the control of the Taser per the training that I received. The West Haven Officer was also very close to both me and the suspect's car and he was headed toward the door of the suspect's car. I then saw the operator of the white Hyundai Sonata make a sudden rapid movement and saw that he had a silver object in his hand. I could see that it was a knife in his hand and that he did not have his seatbelt on. The suspect turned his whole torso area toward the undersigned while looking directly at the undersigned. The Taser did not appear effective as it did not appear to penetrate the clothing of the operator of the white Hyundai Sonata. At this time, I was in very close proximity to the suspect's vehicle and only had a Taser in my hand. I do not think that the West Haven Officer had a weapon in his hands. I was fearful for my safety and believed that I was in imminent danger since the suspect was focused on me with a knife. He was less than six feet or so from me. The undersigned then saw and heard Trooper North fire seven shots and I quickly backed away from the vehicle. The undersigned then dropped my Taser and transitioned back to his duty weapon. The undersigned then heard Trooper North yell drop the knife. Trooper North then broke the rest of the glass on the driver side front window and retrieved the knife from the operator of the white Hyundai Sonata and place it on the hood of the vehicle. The undersigned then rushed to the driver front door of his cruiser and retrieved gloves from the door pocket. The undersigned then returned to the passenger side front door of the white Hyundai Sonata."

In a subsequent interview, Jackson stated that he did intend to enter the vehicle to extract Soulemane.

On January 15, 2020, Connecticut State Police Sergeant Ryan Hennessey responded to the Campbell Avenue scene. He spoke to a number of persons there including Jackson. Hennessey's report states:

"I also spoke with Trooper Jackson who explained to me what occurred during the pursuit and once the Sonata operator took exit 43 and turned left before stopping in traffic. Trooper Jackson advised that the Sonata operator struck his cruiser along with Trooper North's cruiser during the pursuit. Once stopped on Campbell Ave., Trooper Jackson stated he yelled to the operator to exit his vehicle but he failed to comply. He stated that a West Haven PD officer used his expandable baton to break the passenger window of the Sonata and then Trooper Jackson

unsuccessfully used his issued taser. The Sonata operator pulled a knife around this time and then Trooper North fired his duty weapon several times according to Trooper Jackson.”

At the time of the incident, Trooper Jackson was wearing a BWC and his police cruiser was equipped with a MVR. To view Jackson’s BWC, click [here](#). To view Jackson’s MVR, click [here](#). Sergeant Hennessey’s report is included in the Appendix, or click [here](#).

Brian North

Trooper Brian North’s lawyer, Attorney Jeffrey Ment, provided North’s statement, dated February 18, 2020, to DCJ inspectors. That statement may be summarized as follows.

The Department of Emergency Services and Public Protection, Division of State Police hired Trooper Brian North on January 12, 2015. As of January 15, 2020, he had been a trooper for approximately five years. On that date, North was assigned to Troop G in Bridgeport in a patrol function.

On January 15, 2020, at approximately 4:45p.m., North was parked off I-95 exit 40 in the Milford DOT parking lot when he heard a radio broadcast by Troop G desk personnel that the Norwalk Police Department was in pursuit of a stolen motor vehicle. The stated stolen vehicle was a white Hyundai Sonata bearing Connecticut registration AS21103. A broadcast stated that the vehicle was getting on Route 7 southbound in Norwalk. Trooper Pagoni, who was the trooper assigned to cover that area of the highway, responded to the area. He broadcasted over the radio that he was behind Norwalk Officers and was joining the pursuit. After several broadcasts, including one that the vehicle was on the ramp to I-95 northbound, Troop G desk personnel broadcast that Norwalk Police Department had terminated the pursuit. Troop G desk personnel then instructed Trooper Pagoni to terminate the pursuit as well.

After the pursuit was terminated, Troop G desk personnel began to broadcast the suspect vehicle’s updated location. Troop G desk personnel stated over the radio that the vehicle was driving erratically at a high rate of speed down the median and had reportedly struck several vehicles. As the suspect vehicle approached exit 26 northbound, Troop G desk personnel broadcast that they had received an update from the Norwalk Police Department stating that their incident is now a carjacking incident and to use caution – the individual did have a knife. Based on this information and the vehicle’s erratic driving at high speed, North believed that a pursuit would be authorized by State Police pursuit policy.

North checked the GPS locations of Trooper Jackson and Trooper First Class Dalling and saw that they had positioned their cruisers in the area of I-95 exit 27 just next to where the suspect vehicle was supposedly driving. Troop G desk personnel reported that the vehicle had passed I-95 exit 27 northbound and was approaching exit 28. At this point, North moved from

the Milford DOT parking lot to the northbound exit 35 entrance ramp. When Troop G desk personnel broadcast that the vehicle was passing exit 34, North continued driving northbound in the right lane at approximately 40 mph. Troop G desk personnel called out that the suspect vehicle was passing exit 35 northbound. North observed in his rear view mirror a white sedan matching the description of the suspect vehicle driving erratically. North activated his emergency lights and attempted to position his cruiser in front of the suspect vehicle to block it. North slowed down in an effort to slow the suspect vehicle. The suspect vehicle, however, changed lanes and passed North on the right and started to accelerate. North then began to communicate the pursuit information to Troop G. The pursuit continued northbound with North providing updates to Troop G until passing the area of exit 39 where Trooper Jackson took over radio transmissions as he was in second place in the pursuit.

In the area of exit 40, North and Jackson attempted to box in the suspect vehicle. Rather than slow down, the suspect vehicle drove forward colliding with both cruisers and kept travelling northbound in the median and left lane. The pursuit continued with Jackson directly behind the suspect vehicle and North behind Jackson. Both troopers advised Troop G of the department accident (DA). The suspect vehicle continued to drive in an erratic manner at high speed with no regard for the safety of other motorists.

Just prior to I-95 northbound exit 43, the traffic started to increase in volume. At the last moment, the suspect vehicle cut from the right lane across the gore area to the exit 43 ramp and then drove off exit 43 into West Haven. Jackson and North followed. The suspect vehicle travelled through a red traffic control signal and took a left from the right-turn-only lane onto Campbell Avenue. The suspect vehicle drove north on Campbell Avenue under the I-95 overpass, and came upon stopped traffic. Jackson positioned his cruiser to the driver's side of the suspect vehicle. There was a black SUV directly in front of the suspect vehicle also travelling north. The suspect vehicle attempted to cut between the black SUV and Jackson's cruiser to escape. While doing so, the suspect vehicle collided with the rear of the black SUV and sideswiped Jackson's cruiser. North drove around the driver's side of Jackson's cruiser and positioned his cruiser diagonally in front of Jackson's cruiser in an attempt to box in the suspect vehicle to conduct a felony stop. The push bumper of North's cruiser was positioned near the driver's door of the black SUV preventing the suspect vehicle from escaping.

North's statement continues:

"I placed my cruiser in park. When I got out of my cruiser, I drew my department issued firearm (a Smith & Wesson M&P 2.0 9mm pistol with a mounted flashlight that has a pressure switch to activate the light.) As I rounded the rear of my cruiser, I saw Tpr. Jackson standing by the driver's side of the suspect vehicle. As I approached the suspect vehicle, Tpr. Jackson yelled, "Get out of the car," to the suspect. Tpr. Jackson then maneuvered around the front of the suspect vehicle to the passenger's side. I then positioned myself at the front driver's side

quarter panel of the suspect vehicle and activated my mounted flashlight by using my left thumb on the pressure switch so I could see into the vehicle. I positioned myself next to the driver's side door "A pillar" so that I could clearly see through the driver's side window. I could see that the suspect was motionless, sitting back in the driver's seat, the seat slightly reclined with his hands on his lap and his head resting on the seat and his eyes closed. I could clearly see the suspect was not wearing his seatbelt, however, I did not believe the suspect was injured because the collision occurred at low speed. I did not issue verbal commands to the suspect because I could hear Tpr. Jackson issuing commands to the suspect by yelling, "Get out of the car." The suspect was refusing to comply with the command to get out of the car.

"At this point, I looked over and saw Tpr. Jackson standing next to the suspect vehicle on the passenger side with a West Haven Police Officer. I do not believe that the West Haven Officer had any weapons drawn at this time. Shortly afterwards, I saw the West Haven Officer was attempting to break the passenger window with what appeared to be a baton. At this point, I instructed Tpr. Jackson to go to a nonlethal option because the suspect did not appear to have any weapons in his hands at that moment. I yelled to Tpr. Jackson, "Jackson go to Taser!" I saw that Tpr. Jackson looked at me when I said this while he was holding his duty pistol (a Sig Sauer P220) in his hands. To make sure Tpr. Jackson heard me, I tapped my Taser with my left hand and yelled, "Taser," as a visual cue to Tpr. Jackson so he would understand what I was telling him in this high stress situation. I saw Tpr. Jackson re-holster his duty firearm and remove his Taser. I was using the pressure switch on my mounted flashlight, so when I removed my left hand to tap the Taser, the light temporarily went off. The Taser is a nonlethal tool that is used by law enforcement officers to assist in gaining control of a suspect. A proper deployment of the Taser can cause neuro-muscular incapacitation (NMI). This causes the suspect's muscles to lock up, which gives law enforcement officers the opportunity to immediately move in and handcuff the suspect while they are under the effects of NMI. A proper Taser deployment is approximately a one foot spread or more between the upper and lower probes with both probes impacting the body of the suspect. It is preferred that the upper probe impacts just above the belt line on the lower torso/abdomen of the suspect, and the lower probe impacts the suspect in the leg. If the Taser is fired at close range, there may not be enough spread between the two probes, and the Taser would not cause NMI. Thick clothing, such as a winter jacket, can cause the probes not to impact the suspect's body, and the Taser would have no effect.

"After giving instructions to Tpr. Jackson to go to Taser, I put my left hand back on my pistol and reactivated my flashlight. I could see that the suspect was wearing a black winter jacket, which I know would likely cause the Taser to be ineffective. I could see also that Tpr. Jackson was in close proximity to the suspect, which could also cause the Taser not to induce NMI. I continued to provide lethal cover in case the suspect escalated the situation. I continued to monitor the suspect and noticed that his hands still appeared to be empty in his lap. The suspect was not moving at this time. Knowing this, I continued to provide lethal cover because I know Tpr.

Jackson only had his Taser out, and the West Haven Officer only had a baton in his hands. After multiple strikes of the baton on the window, I believe about five or six strikes, the window shattered. As soon as the window shattered, I saw the suspects eyes open wide. I also saw the West Haven Officer's head had dropped below the roofline of the suspect vehicle, and it appeared to me that he was going to enter the car to remove the suspect. I know through my training and experience, when a suspect refuses to comply and law enforcement officers force entry into a vehicle through a window, the immediate response is to move in and pull out the suspect. The suspect quickly sat straight up in the driver's seat. As the West Haven Officer was trying to enter the suspect vehicle, the suspect quickly moved his right hand and went straight for his right front pants pocket. I heard someone yell out, "He's reaching. He's reaching." I am unsure which officer on scene was the one yelling. At this moment, I remember thinking to myself, I do not want to shoot the suspect based only on furtive movement. The suspect continued to make furtive movements, was reaching into his right front pants pocket, appeared to be pulling something out, and quickly looked to his right in the direction of the West Haven Officer and Tpr. Jackson. I immediately became concerned for the safety of both the West Haven Officer and Tpr. Jackson, as Tpr. Jackson only had his Taser out, and I did not believe that the West Haven Officer had his weapon drawn. At this point, I felt my field of vision narrow, focusing on watching the suspect's hands. Immediately the suspect, using his right hand quickly removed a silver colored object from his right pants pocket. As the suspect raised his right hand from his right front pants pocket with the object still in it, I recognized the object the suspect removed from his pocket to be a fixed blade knife. The knife had a silver colored serrated blade that was approximately four inches long. The suspect held the knife in his right hand, in a closed fist at a 90 degree angle with his body. The knife was held with the tip of the blade facing upwards towards the roof of the suspect vehicle, and the serrated edge facing towards the front of the vehicle in the direction of the front windshield. While the suspect held the knife in his right hand, he began to abruptly move in the driver's seat. I quickly took my eyes off the suspect and looked in the direction of Tpr. Jackson and the West Haven Officer. I saw Tpr. Jackson quickly advancing towards the open passenger window and I could not see the West Haven Officer anymore. This led me to believe that the West Haven Officer had already begun to enter the suspect vehicle to take control of the suspect. I immediately looked back at the suspect and saw that he still had the knife in his hand, and was making furtive movements. The suspect was moving and holding the knife in an aggressive manner, and appeared to me to be preparing to attack either Tpr. Jackson or the West Haven Officer. Based on these circumstances, I believed that Tpr. Jackson and the West Haven Officer were at imminent risk of serious physical injury or death, and could have been stabbed in the neck or face as they attempted to enter the vehicle and remove the suspect. As a result, I discharged my duty firearm to eliminate the threat.

"I discharged my duty pistol, a Smith and Wesson M&P 2.0 9mm, several times aiming for center mass on the suspect in an effort to stop the threat. At the time, I was unsure how many times I had discharged my duty pistol. After discharging my firearm, I immediately activated my

portable radio and Broadcast, "Shots fired." I then looked into the suspect vehicle, and I could see the suspect was still moving. I then yelled, "He's got the knife. Drop the knife. Drop the knife." The driver's side window was shattered. I crouched down to look through the hole in the shattered glass of the window. I then yelled out, "It's out of his hands. It's on his lap." I could see the suspect was still moving at this time, but noticed the knife was now on his lap. Then I used my pistol to remove some glass so I could see clearly into the suspect vehicle. I continued to maintain lethal coverage until I knew there was no longer a threat. I immediately noticed that the suspect's head was back on the headrest, and he was looking up at the roof of the vehicle. At this point, the knife was on the suspect's lap a couple of inches away from both of his hands. I quickly reached into the vehicle with my left hand, removed the knife, and placed it on the hood of the suspect vehicle. I told officers on the passenger side of the suspect vehicle, "I got the knife. It's on the hood. Pull him out." Knowing that I had retrieved the weapon from the suspect, and that there was no longer a threat, I instructed the other officers on scene to pull the suspect out of the vehicle knowing that we needed to immediately render first aid."

Sergeant Thomas Kiely was one of the evening shift supervisors at Troop G on January 15, 2020. He monitored the movement of the Hyundai captured on DOT cameras including the pursuit by North and Jackson as well as the radio transmissions that the troopers made. After the Hyundai made a left off the exit 43 ramp onto Campbell Avenue, there was a short pause in the radio transmissions and then North broadcast, "shots fired." At this point, Kiely responded to the scene in West Haven. Upon arrival, he approached North who was standing with Trooper First Class Richter. Kiely's report states:

"I then asked Trooper North to give me a quick synopsis of what happened. Trooper North explained that after the suspect crashed into another vehicle he and Trooper Jackson positioned their cruisers to box the suspect in. Trooper North explains that he approached the driver's side of the vehicle while Trooper Jackson approached the passenger side. Trooper North further explained that he was utilizing felony stop procedures at this point. He explained that the suspect initially appeared to be out of it, but when the West Haven Police Officer shattered the passenger side window the suspect was startled and came to. Trooper North stated that the suspect then reached into his waistband and pulled out a knife. Trooper North stated that he subsequently fired his duty weapon."

Sergeant Ryan Hennessey also responded to the Campbell Avenue scene and was present during Kiely's interview of North. Hennessey's report is consistent with Kiely's as to North's account of what happened. Specifically, that North indicated that after, the window shattered, Soulemane came to and reached into his waistband and pulled out a knife and subsequently North fired his duty weapon.

At the time of the incident, North was wearing a BWC and his cruiser was equipped with a MVR. To view North's BWC, click [here](#). To review North's MVR, click [here](#).

North's complete statement is included in the Appendix to this report. To access that statement, click [here](#). Sergeant Kiely's police report is also included in the Appendix, or click [here](#), as is the report of Sergeant Hennessey.

West Haven Police Department

Several West Haven Police officers responded to the Campbell Avenue scene to assist State Troopers. Four West Haven Officers filed reports relevant to this investigation documenting their actions. The following is a summary of these reports.

Officer Thomas Marchitto

Officer Marchitto was a patrol officer and member of the West Haven Special Response Team. He also held a State of Connecticut Emergency Medical Technician license.

Officer Marchitto initially went to the area to I-95 exit 42 and was prepared to deploy stop sticks to stop the Hyundai. The two State Trooper vehicles travelled past exit 42. Marchitto then heard West Haven Dispatch report that the troopers and suspect vehicle got off I-95 at exit 43. As Marchitto drove to the area of exit 43, he heard over the radio that shots were fired.

On scene, Marchitto was present when Soulemane was removed from the Hyundai. As he was being removed, the Hyundai began to slowly move forward. Marchitto got into the car and put the transmission into park. Marchitto then went to Soulemane and rendered medical aid until West Haven Fire personnel arrived. Soulemane's pulse was almost non-existent.

Sergeant Jordan Zwickler

Sergeant Zwickler was a member of the West Haven Police Department Street Crime Unit. On January 15, 2020, at approximately 5:00 p.m., he was in his office at the police department when he learned that the Connecticut State Police were in pursuit of a white Hyundai Sonata reported to be stolen and possibly carjacked.

Zwickler along with Detective Robert Fazzino and Officer Robert Rappa left the West Haven Police Department in order to assist the State Police. They initially went to the area of exit 42 but then proceeded onto I-95 northbound. Once on the highway, Zwickler saw a State Police cruiser in the left lane approximately 100 to 200 feet in front of his vehicle. Proceeding northbound at a safe distance behind the trooper's cruiser, Zwickler saw the cruiser get off exit

43 and he followed. Upon turning onto Campbell Avenue, Zwickler saw the Trooper's vehicle parked near the left front door of a white Hyundai Sonata that was stopped on the right side of Campbell Avenue facing north. A second trooper's cruiser was stopped to the immediate left side of the white Hyundai behind it. Zwickler pulled directly behind the second trooper's cruiser and parked.

Zwickler and Officer Rappa exited their vehicle approaching the Hyundai on the passenger side. Zwickler drew his sidearm. He saw one trooper at the Hyundai's front passenger side window and one trooper at the front driver side window. The trooper on the driver's side was pointing his sidearm in the direction of the operator's seat. When Zwickler got closer, he saw through the rear passenger window that the only occupant of the vehicle was the operator who was a black male wearing a dark colored jacket or sweatshirt.

While standing at the rear passenger side of the Hyundai, Zwickler pointed his sidearm at the operator and saw Rappa holding a baton. Rappa began to strike the front passenger side window with the baton. After Rappa struck the window five or six times, the window shattered. Zwickler saw the operator begin to quickly dig into his waistband with his right hand. It appeared to Zwickler that the operator was attempting to remove something from his waistband so he alerted other officer by yelling something to the effect of, "he's reaching, he's moving." After Rappa cleaned the glass from the window with the baton, the trooper who had been standing next to Rappa aimed his Taser at the operator through the broken passenger window and deployed it. Zwickler did not know if the Taser deployment affected the operator but immediately after the deployment, he heard the sound of gunshots being fired. Zwickler looked up after hearing the sound of the first shot and saw the trooper who was standing at the front driver's side of the Hyundai fire into the driver's side of the vehicle several times. As shots were being fired, Zwickler began to move backwards to remove himself from potentially being in the line of fire. Zwickler did not recall how many shots the trooper fired.

After the shots ended, Zwickler requested that police units block the intersection of Campbell Avenue and Abner Street. Zwickler also confirmed that the Fire Department was in route. When the operator was removed from the Hyundai, Zwickler could see that he suffered at least three gunshot wounds.

Zwickler also spoke to the operator of the Trailblazer, Cordell Miller, to determine if he was injured and wanted medical assistance. When asked what happened, Miller replied that he saw police lights getting off the exit ramp from I-95, then saw the lights behind him so he pulled to the side of the road. The operator stated a vehicle struck him from behind, "then ya'll shot him."

Detective Robert Fazzino

Detective Robert Fazzino responded to the Campbell Avenue scene along with Sergeant Zwickler and Officer Robert Rappa. All were assigned to the West Haven Police Department Street Crime Unit. The officers first went to the I-95 exit 42 entrance ramp. A few seconds after arriving there, Fazzino saw the suspect vehicle pass exit 42 with the State Police in pursuit.

Fazzino drove onto I-95 northbound and saw the suspect vehicle cut across three traffic lanes and proceed down the exit 43 ramp. Fazzino followed Zwickler's vehicle down the exit 43 ramp. At the bottom of the ramp, Fazzino turned left onto Campbell Avenue. The suspect vehicle was stopped under the I-95 overpass. Fazzino saw a State Police cruiser stopped on the left side of the suspect vehicle near the driver side door and a second State Police cruiser stopped behind the suspect vehicle.

Fazzino exited his vehicle and observed a trooper standing by the driver's side door with his service weapon drawn and pointed at the suspect vehicle. Fazzino also saw Zwickler, Rappa, and a second trooper facing the passenger side door of the suspect vehicle. Zwickler had his gun drawn and pointed at the suspect vehicle. Fazzino radioed West Haven Dispatch that the pursuit had ended and provided them with the location of the suspect vehicle.

After radioing Dispatch, Fazzino saw Rappa hit the passenger side window with a police baton. He then observed the trooper on the driver's side door fire his service weapon into the driver's compartment of the suspect vehicle.

Fazzino saw Rappa and a trooper remove the suspect from the vehicle and place him on the ground. Officer Thomas Marchitto began to render medical aid until the West Haven Fire Department arrived.

Officer Robert Rappa

On January 15, 2020, Officer Rappa was a patrol officer assigned to the West Haven Police Department Street Crime Unit. He rode with Sergeant Jordan Zwickler to assist the State Police in their pursuit of a white colored Hyundai. They first went to the area of I-95 exit 42 and then onto I-95 northbound. West Haven Dispatch reported that the pursuit had gotten off exit 43 and Zwickler proceeded off exit 43 and turned left onto Campbell Avenue. At that point, Zwickler activated his lights and siren.

As they turned onto Campbell Avenue, Rappa saw two State Police cruisers parked on Campbell Avenue under the I-95 overpass. The cruisers were parked on the left side and behind the Hyundai that was stopped on the right side of the northbound lane. Zwickler pulled directly behind the State Police cruiser and parked.

Rappa exited the vehicle and approached the passenger side of the Hyundai. At this time, there were sirens wailing and it was very loud making it difficult to hear. As Rappa got closer, he saw one trooper at the Hyundai's front driver side window and one Trooper at the front passenger side window. Both troopers were pointing their firearms in the direction of the operator. As Rappa approached, he could see that the operator was the only occupant in the vehicle. The operator was sitting motionless in the vehicle with his hands down near his waistband and was staring straight ahead. Rappa was not sure if the operator was injured or under the influence of drugs. The vehicle's ignition was still on and there was sufficient space between all the vehicles to allow the operator to flee.

For everyone's safety, Rappa wanted to remove the operator from the vehicle and had already observed the trooper on the passenger side of the vehicle attempt to open the side front door using the door handle with no success. Rappa unsuccessfully attempted to break the Hyundai's front passenger window with a glass-breaking device on his knife. Rappa told the trooper standing next to that that he was going to use his baton. Rappa took the baton and struck the front passenger window approximately five times before it shattered. As Rappa cleaned the glass from around the window frame, he saw that the trooper standing next to him now had his Taser pointed at the operator.

The trooper on the passenger side deployed his Taser and Rappa saw the operator begin to reach toward the area of his waistband. Rappa believed that the operator might have been reaching for a weapon. Rappa began to yell something to the effect of "He's reaching for something!" Rappa began to reach for his sidearm and heard the sound of gunshots coming from the side of the Hyundai. Rappa saw that the trooper standing near the front driver's door was still holding the operator at gunpoint and said something Rappa could not make out. The trooper on the driver's side then reached into the passenger compartment and came out holding a knife that he placed on the hood of the Hyundai.

Sergeant Zwickler then said, "Let's get him out of the car." Rappa opened the passenger door using the handle on the inside of the door. Rappa and a trooper then removed the operator (Soulemane) from the vehicle and placed him on the street. As they moved Soulemane, the Hyundai slowly travelled forward until it made contact with a dark colored Chevy Trailblazer that was parked in front of it. Officer Marchitto entered the vehicle and shifted it into park. Officer Marchitto then began to render medical aid. Rappa could see a blood-like substance on the chest area of Soulemane's shirt.

In a subsequent interview, Rappa was asked why he broke the passenger window of Soulemane's vehicle. Rappa stated the he broke the window to open a line of communication with Soulemane and to allow the use of Cap Stun or Taser if it was needed. Rappa stated that he was not going to enter the vehicle to extricate Soulemane.

Civilian Witnesses

During the investigation, State Police detectives, West Haven Police Officers and Division of Criminal Justice (DCJ) Inspectors canvassed the area near the shooting scene in an effort to locate witnesses. They interviewed four witnesses who provided relevant information.

Witness #1

On February 6, 2020, Witness #1 gave a statement to DCJ Inspectors regarding her observations on January 15, 2020. Witness #1 stated that as she was driving on Campbell Avenue toward the I-95 on ramp, state police cars came off the highway on the other side of the bridge. She stopped her car on the I-95 on ramp entrance. The police had their lights and sirens on and were behind a white sedan. She saw one of the police cars strike a white car which then struck a dark colored SUV. Another State Trooper drove along the side of the white car pinning the driver door. The trooper that pinned the driver door jumped out with his gun in his hand and ran around to the driver door. She then heard loud sounds, which she believed were gunshots, but later, after watching the video, realized that it was officers on the passenger side trying to break the window. She then heard about five or six gunshots and observed a flash come from the trooper's gun at the driver side door. She did not know if anyone else was firing. Witness #1 could see a silhouette of a person sitting in the driver seat of the white car and he did not appear to move before or after the gunshots. Witness #1 did not see anyone else in the car or hear any of the officers say anything during the incident. During the shots, Witness #1 did a U-turn and drove to Best Gas near the beach. Witness #1 then drove home and walked to the area of the crime scene tape. This took about 20 minutes. The driver of the white car was not there when she went back.

Witness #1 watched the video released to the media. She realized that the initial sounds she thought she heard were officers trying to break the passenger side window. She saw that West Haven Police Officers were on scene, which she did not see initially. She also observed the person in the car make a slight movement with his arm, which she did not initially see.

Witness #2

Witness #2 was on the front porch of a home on Campbell Avenue. The house was near the I-95 overpass. Witness #2 observed a car being chased off the highway by police. The police had their emergency lights and sirens on. The vehicles went under the bridge and Witness #2 heard a crash. Witness #2 did not know how the crash happened, but when Witness #2 looked up, Witness #2 observed cop cars around the vehicle. It appeared that they hit each other. Witness #2 saw police cars around the car and officers trying to break the passenger side window. Witness #2 heard officers yelling, "Get out of the car, get out of the car," but

Witness #2 did not see anyone get out. Witness #2 did not hear officers say anything else. Witness #2 believed two officers were in the back of the vehicle, two officers on the passenger side, and two on the driver side. The window did not break right away. Shortly after the passenger window broke, Witness #2 heard six gunshots. Witness #2 did not see anyone in the vehicle until they pulled the male out after the gunshots. Witness #2 did not see anyone who fired, but Witness saw a flash from the passenger side and believed the shots came from the passenger side.

Witness #2 started videotaping with a phone after hearing the crash.

To view the video recorded by Witness #2, click [here](#).

Witness #3

Witness #3 was in the area when he heard a loud break noise and a loud bang noise. He ran to the corner of the street and saw cops running toward a white sedan. Right after the crash, he started recording, but could not record for too long because his phone battery was low. He saw cops trying to break the car windows but they were not braking and that is when he heard the shots. Witness #3 stayed there until they took the body out of the car and laid it on the ground. It took AMR and the Fire Department from eight to ten minutes to arrive there.

When this incident happened, Witness #3 was in the side yard of Campbell Avenue and Hall Street with two coworkers approximately thirty to forty feet from where the incident happened.

Cordell Miller

Cordell Miller was the driver of the Chevrolet Trailblazer SUV that, while stopped on Campbell Avenue, was struck in the rear by the Hyundai Sonata driven by Souleman. At the scene, he made a brief oral statement to West Haven Sergeant Jordan Zwickler. On February 4, 2020, a DCJ inspector contacted Miller via phone and tried to arrange a meeting with him to ask him what happened the day of the incident. Miller stated that he spoke with State Police investigators that night and told them everything. Other than the statement to Zwickler, there is no indication that he gave any further statement as to his observations. Miller's oral statement is contained in the summary of Sergeant Zwickler's police report summarized above.

AUTOPSY

On January 16, 2020, Associate Medical Examiner Jacqueline Nunez, M.D., of the Office of the Chief Medical Examiner performed an autopsy on Mubarak Souleman. Doctor Nunez determined the cause of death to be, 'GUNSHOT WOUNDS OF THE TORSO AND EXTREMITIES' and the manner of death to be, "HOMICIDE (SHOT BY POLICE)."

The autopsy identified nine gunshot wounds of the body: four of the top of the torso, four of the upper extremities, and one graze gunshot wound of the right forearm. Doctor Nunez noted that the re-entry wounds of the torso following upper extremity injury could not be excluded.

As relevant to this investigation, the autopsy noted four major wounds sustained by Souleman. Although the wounds are identified by roman numerals, no sequence of the wounds was implied.

I. Penetrating Gunshot Wound of Upper left Chest

This gunshot wound of the upper left chest was located 16" below the top of the head and 2½" left of midline. There was no fouling or stippling of the adjacent skin. The bullet perforated the skin and soft tissues of the upper left chest and subsequently perforated the anterior third left rib (fracturing it), the left upper lung lobe, the pericardial sac, the heart (perforating the right atrium, interventricular septum, and left atrium), the posterior ninth rib (fracturing it), and soft tissue and skin of the right mid back. The direction of the bullet was front to back, left to right, and downward.

II. Penetrating Gunshot Wound of Left Chest

This gunshot wound of the left mammary chest was located 18¼" below the top of the head and 2" left of midline. There was no fouling or stippling of the adjacent skin. The bullet perforated the skin, anterior third rib (fracturing it), heart (with perforations of the right atrium, interventricular septum, left atrium, and mitral valve), aorta, pulmonary artery and posterior right rib (fracturing it). The bullet lodged within the soft tissue posterior to the fractured eleventh rib. The direction of the bullet was front to back, left to right, and downward.

The recovered bullet was submitted as evidence to the Connecticut State Police.

III. Penetrating Gunshot Wound of Right Chest

This gunshot wound of the right mammary chest was located 18" below the top of the head and 1½" right of midline. There was no fouling or stippling of the adjacent skin. The

bullet perforated the skin, anterior right rib, lower lobe of the right lung, the right hilum, aorta and thoracic vertebra and left transverse process at level T3 (fracturing it). The bullet lodged in the soft tissue posterior to the second thoracic vertebra. The direction of the bullet was front to back, right to left, and upward.

The recovered bullet was submitted as evidence to the Connecticut State Police.

IV. Penetrating Gunshot Wound of the Upper Right Chest

This gunshot wound of the upper infraclavicular right chest was located 12½” below the top of the head and 3” right of midline. There is no fouling or stippling of the adjacent skin. The bullet perforated the skin, anterior first right rib (fracturing it), apex of the right lung and soft tissue of the right scapular back. The bullet lodged on the soft tissue of the mid right back. The bullet direction was front to back, downward, with minimal horizontal deviation.

The recovered bullet was submitted as evidence to the Connecticut State Police.

In addition, the autopsy determined there to be (1) a penetrating gunshot wound of the left forearm, (2) a second penetrating gunshot wound of the left forearm, (3) a penetrating gunshot wound of the left elbow, (4) a penetrating gunshot wound of the right hand, and (5) a graze gunshot wound of the right forearm.

The Office of the Chief Medical Examiner sent a blood sample to the Department of Emergency Services and Public Protection, Division of Scientific Services for examination by the Toxicology Unit. The laboratory reported the presence of Delta-9 THC 19ng/mL and Delta Carboxy THC 58ng/mL.

SCENE

On January 15, 2020, at approximately 5:34 p.m., the Connecticut State Police Central District Major Crime Squad (CDMCS) was called in to investigate a police-involved shooting that occurred on Campbell Avenue, West Haven, Connecticut. CDMCS investigators arrived on scene at approximately 8:30 p.m.

There were no adverse weather conditions at the time of the incident. The temperature was in the mid to low thirties with a clear sky. During the early morning hours of January 16, 2020, a light rainfall occurred during scene processing.

The motor vehicle crash / shooting incident occurred on Campbell Avenue underneath the I-95 overpass. There was a single lane of travel and an elevated sidewalk on each side of Campbell Avenue. There were two lights located on the overpass that illuminate that portion of Campbell Avenue that travels under the overpass. At the time of the incident, these lights were not illuminated. During scene processing, the lights came on and provided a low level of lighting for the area. Campbell Avenue north of the incident location is an area with residences, small businesses, Oak Grove Cemetery, and the I-95 south exit 43 entrance ramp. Located south of the incident location were several houses, small businesses, and the I-95 south exit 43 off ramp. A traffic control light was located on Campbell Avenue at the intersection of the exit ramp.

CDMCS detectives began documenting the scene at approximately 8:57 p.m. Documentation was in the form of video recording and digital photography. A laser scanner was also used to obtain measurements and further document the scene. Detectives also went to the West Haven Police Department to document and inventory the West Haven officers' uniforms and equipment. The responding West Haven officers were not equipped with body worn cameras. Detectives photographed and inventoried the equipment of Sergeant Craig Thompson, Detective Robert Fazzino, Sergeant Jordan Zwickler, Officer Robert Rappa, and Officer Thomas Marchitto. No clothing or equipment was seized.

At Yale New Haven Hospital, CDMCS detectives met with Trooper North. Detectives photographed North and seized his weapon, ammunition, police uniform and outer clothing. No interviews were conducted at this time. North's handgun was a Smith & Wesson MP 9mm with a Surefire X300 flashlight. The handgun was found to have one round of ammunition in the chamber and one magazine containing ten rounds. The magazine had a seventeen round capacity.

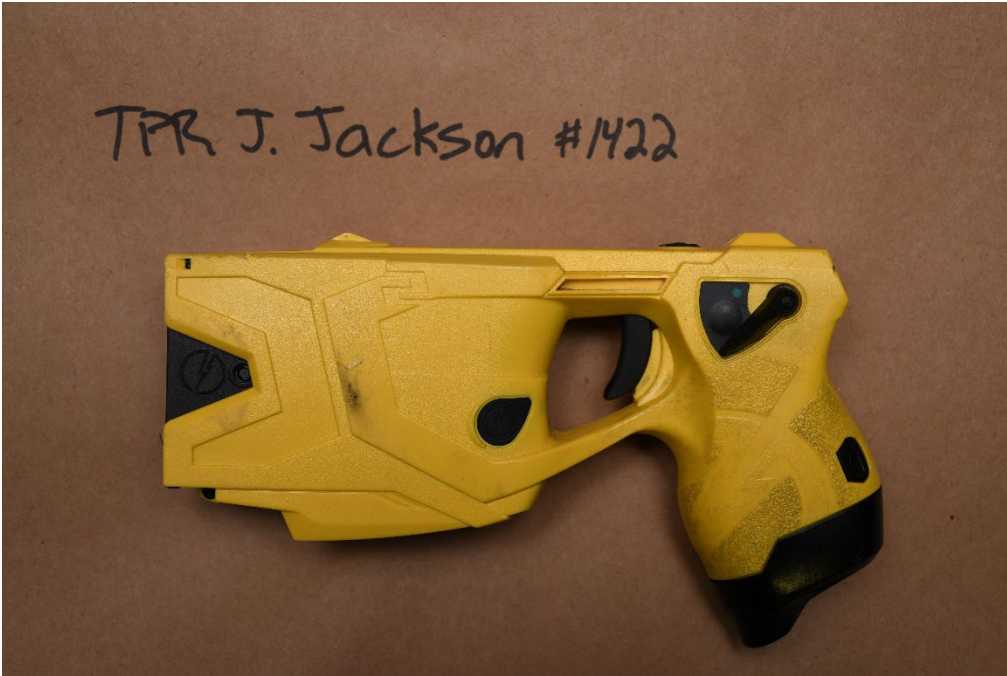


[North's Handgun and Magazines]

Located on North's duty belt were two additional handgun magazines full to capacity. An inventory of North's duty belt revealed that it was equipped with a magazine pouch, X2 Taser with two full cartridges, Taser holster, baton, portable radio, flashlight, tourniquet, holster, Saber Red, handcuff case with handcuffs, two knives, and four belt keepers.

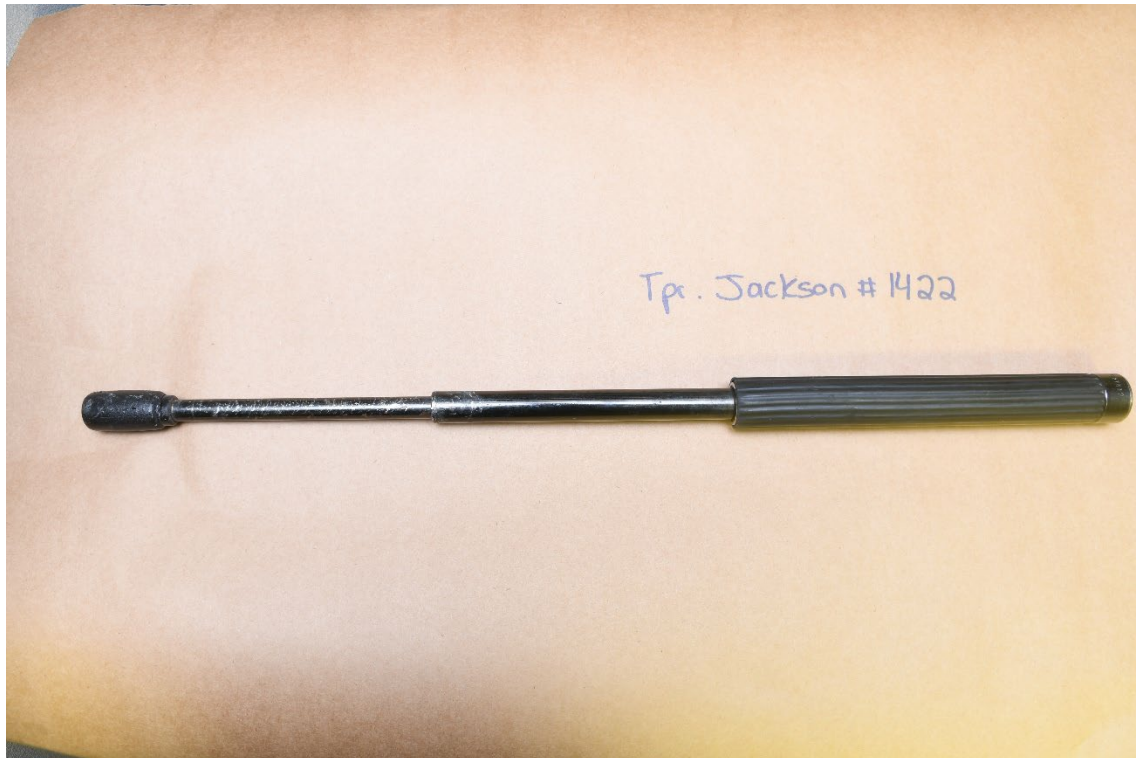
Detectives also responded to Yale New Haven Hospital where Mubarak Soulemane had been treated. Soulemane had been pronounced deceased at the hospital by Dr. Felix Lui, M.D. Detectives seized several of Soulemane's personal belongings and clothing that hospital staff had removed during treatment.

CDMCS detectives photographed and inventoried the weapons of Trooper First Class Ross Dalling, Trooper Joshua Jackson, and Trooper Christopher Scott. All three were wearing body worn cameras that were seized. Trooper Jackson's Taser and both cartridges were seized.



[Jackson's Taser]

Trooper Jackson's baton was damaged from being used to smash the passenger side window of the Hyundai. Detectives seized the baton.



[Jackson's Baton]

Several vehicles were in the area where the incident occurred. Three State Police cruisers and three West Haven police vehicles. The three State Police cruisers were equipped with mobile video recording systems. Detectives removed the storage devices that contained the saved video files of the recording of the incident. None of the West Haven vehicles involved were equipped with mobile recording equipment.

Upon completion of documenting the responding troopers and officers, detectives documented the vehicles involved in the shooting incident. Located in the northbound lane of Campbell Avenue was a green colored Chevrolet Trailblazer, Connecticut registration AV73106. There was damage to the rear driver's side of the vehicle as well as the rear tailgate, bumper, and driver's side quarter panel. Damage to the Trailblazer was attributed to two different collisions with the Hyundai.



[Trailblazer]

The Hyundai Sonata was located offset behind the Trailblazer. The front passenger side including the front bumper, headlight, fender, hood, and a portion of the engine compartment were pushed in with extensive damage. The Hyundai was at the position of uncontrolled rest against the rear driver side of the Trailblazer.





[Photos of Hyundai and Trailblazer]

The front driver and passenger side windows were both shattered. Large scrape marks and scratches in a circular pattern were in the front and rear driver side doors. The mirror on the front driver side of the vehicle was damaged and turned downward. The bottom rocker panel on the driver side was damaged. This driver side damage was consistent with a sideswipe collision.





[Hyundai Driver Side Damage]

The Hyundai's vehicle position was different from where it was during the shooting incident. The first collision with the Trailblazer occurred prior to the shooting incident, causing the Hyundai to stop. North and Jackson boxed the Hyundai in after the first collision. When officers removed Soulemane from the Hyundai, the vehicle rolled forward striking the Trailblazer and came to rest against it.



North's cruiser was angle-parked between the rear driver side of the Trailblazer and the front end of the Hyundai.



[North's Cruiser (left), and Jackson's Cruiser (right)]

Scratch and scrape marks were observed on the rear driver side quarter panel and rear bumper of North's cruiser.



[North's Cruiser]

Jackson's cruiser was located to the driver's side of the Hyundai and behind North's cruiser facing north. Scratch and scrape marks were observed on the front passenger door, fender, and front bumper. This damage was determined to be from the Hyundai striking Jackson's cruiser when he and North attempted to box in the Hyundai on I-95 in the Milford area.



[Jackson's Cruiser]

Located in the roadway (Campbell Avenue) between North's cruiser and Jackson's cruiser on the driver side of the Hyundai were six expended shell casings. These shell casings were all F.C. 9mm +P casings; the same type of ammunition North was equipped with. Another shell casing was located on the front hood of Jackson's cruiser. Detectives seized all seven of these casings.

On the driver's side hood of the Hyundai was a silver colored knife. The knife had a serrated edge that was approximately three inches in length. After the shooting, North removed the knife and placed it on the hood of the Hyundai.



[Knife]

On the sidewalk close to the roadway, detectives located two bullet projectiles. A few feet from where Soulemane was treated was a Hollister brand winter coat. Blood-like staining was observed on the interior and exterior of the coat. A broken Taser wire and probe were attached to the right sleeve of the coat. The Taser did not appear to have penetrated the sleeve of the coat.



[Soulemane's Coat]

Detectives opened the front passenger door of the Hyundai. Taser wire was hanging through the shattered window. This Taser wire had been fired by Jackson prior to the shooting. While seizing the Taser wire, detectives observed two bullet projectiles: one on the front passenger seat and one on the rear passenger seat.

The Hyundai was towed from the scene and escorted to Troop I, Bethany. All evidence seized during scene processing was transported and secured at the CDMCS evidence room in Hartford.

FORENSICS

As relevant to this investigation, three categories of seized evidence were submitted to the Division of Emergency Services and Public Protection, Division of Scientific Services for analysis. These categories were: (1) swabs from the interior door of the Hyundai for DNA analysis, (2) North's handgun and the recovered shell casings and bullets for firearms analysis, and (3) the gunshot residue test kit administered to North.

DNA

The known DNA from Soulemane and the DNA profile from the swabs from the interior front driver side door handle of the Hyundai were analyzed by the lab and determined to be a mixture of two contributors with at least one being a male. Assuming two contributors, the DNA profile from the swabs was a match for Soulemane to be one of the contributors.⁸

The known DNA of Soulemane and the DNA profile from the interior front driver side door pull of the Hyundai were analyzed by the lab and determined to be a mixture of four contributors at least two of them being male. Assuming four contributors, the DNA profile from the swabs was a match for Soulemane to be one contributor.⁹

Firearms Unit

The Firearms Unit test-fired North's Smith & Wesson handgun and found it to be operational. The Unit then microscopically compared the seven shell casings seized at the

⁸ The lab report describes the finding as follows, "Assuming two contributors, the DNA profile from [the swabs] is at least 39 billion times more likely to occur if it originated from Mubarak Soulemane and one unknown person than if it originated from two unknown individuals."

⁹ Again, the lab report describes the finding as follows: "Assuming four contributors, the DNA profile from [the swabs] is at least 100 billion times more likely to occur if it originated from Mubarak Soulemane and three unknown individuals than if it originated from four unknown individuals."

scene on Campbell Avenue and determined that they had been fired from the same firearm. In addition, the Unit microscopically compared the four bullets recovered at the scene and three bullets submitted following Soulemane's autopsy and determined that all seven bullets had been fired from the same firearm.

Thereafter, the Unit compared the results from the submitted shell casings and submitted bullets with the test-fire results and determined that North's Smith & Wesson handgun fired the shell casings and bullets.

Chemistry

The Chemistry Unit examined the items from the gunshot residue test administered to North. The sample taken from the back of North's right hand contained particles consistent with primer gunshot residue. The sample taken from the back of North's left hand contained a particle consistent with primer gunshot residue. The samples taken from North's right and left palms were inconclusive for the presence of gunshot residue.

FINDINGS

On the question of whether Brian North's use of deadly force resulting in the death of Mubarak Soulemane was justified under Connecticut law, the investigation supports the following findings.

1. On January 15, 2020, at approximately 4:45 p.m., North was parked off I-95 exit 40 in the Milford DOT parking lot when he heard a radio broadcast by Troop G desk personnel that the Norwalk Police Department was in pursuit of a stolen motor vehicle. The stated stolen vehicle was a white Hyundai Sonata bearing Connecticut registration AS21103. After several broadcasts, including one that the vehicle was on the ramp to I-95 northbound, Troop G desk personnel broadcast that Norwalk Police Department had terminated the pursuit.
2. After the pursuit was terminated, Troop G desk personnel began to broadcast the suspect vehicle's updated location. Troop G desk personnel stated over the radio that the vehicle was driving erratically at a high rate of speed down the median and had reportedly struck several vehicles. As the suspect vehicle approached exit 26 northbound, Troop G desk personnel broadcast that they had received an update from the Norwalk Police Department stating that their incident is now a carjacking incident and to use caution – the individual did have a knife.
3. Once state troopers heard the Norwalk Police Department broadcast that the Hyundai was involved in a carjacking, they acted to pursue and stop the Hyundai. Troopers North and Jackson were principally involved in the pursuit with Trooper First Class Dalling following behind

them. Approximately one-quarter mile south of I-95 northbound exit 40, North and Jackson attempted to box in the Hyundai. They positioned their cruisers to the front and side of the Hyundai and began to slow down. Soulamane did not slow down with them but instead accelerated colliding with both cruisers. The Hyundai continued to proceed northbound at high speed weaving in and out of traffic. It abruptly exited off I-95 at exit 43 driving off the ramp and onto Campbell Avenue in West Haven. Jackson, North and Dalling followed.

8. West Haven Police Officers monitored the Troop G broadcasts regarding the pursuit of the Hyundai and responded to Campbell Avenue to assist. Sergeant Jordan Zwickler, Officer Robert Rappa, and Detective Robert Fazzino all arrived at the Campbell Avenue scene moments after North and Jackson.

9. After driving off the exit 43 exit ramp, Soulemane turned left onto Campbell Avenue and collided with the rear of a Chevrolet Trailblazer stopped on Campbell Avenue. Cordell Miller was the operator of the Trailblazer. The collision cause substantial front-end damage to the Hyundai.

10. Jackson stopped his cruiser on the driver side of the Hyundai. The passenger side of his cruiser was almost touching the Hyundai's front driver side door. There was not sufficient space for Soulemane to open the door and exit the Hyundai.

11. North stopped his cruiser in front of Jackson's cruiser and at an angle blocking the front of the Hyundai. Dalling stopped his cruiser directly behind the Hyundai. The Trailblazer remained stopped in front. At the point that all vehicles came to a stop, four vehicles, plus two West Haven police vehicles to the rear blocked in the Hyundai. Soulemane sat in the driver's seat motionless.

12. A review of the video from North's body worn camera (BWC) shows:¹⁰

9:27 North in his cruiser on the radio: "He's bailing off exit 43."

9:56 North (out of his cruiser) takes a position near the Hyundai's front driver door with his gun pointed at Soulemane.

10:21 North tells Jackson: "Jackson go to Taser."

10:31 North fires seven rounds at Soulemane through the driver side window.

¹⁰ The videos from the body worn cameras worn by the Connecticut State Police personnel involved in this case do not display the date or time of day. The BWCs do, however, display the elapsed time from the start of the recording in minutes and seconds.

10:37 North reports on his radio, "Shots fired."

10:43 North: "He's got a knife, drop the knife."

11:04 North: "It's out of his hands, it's in his lap."

11:13 North: "I got the knife." North places knife on hood of Hyundai.

...

19:37 Trooper First Class Colin Richter approaches North:

Richter: "You all right?"

"You good?"

North: "Yeah, I'm good."

Richter and North walk away from the area where persons are rendering aid to Soulemane:

North: "We started doing a felony stop. He was unconscious, it looked like ... And then he came to when they broke the window."

Richter: "Yeah."

North: "And the first thing he did ... reached into his pocket and pulled out a knife."

Richter: "Okay."

North: And that's when I ...

Richter: "Come on, let's come back here."

13. A review of Jackson's BWC shows:

1:29 Jackson in his cruiser

Dispatch: "Just took a call from Norwalk PD. Their officers that are investigating are stating that this is now a carjacking incident (unintelligible) caution. The individual did have a knife."

15:58 Jackson takes a left onto Campbell Avenue

16:05 Jackson's cruiser stops having made contact with the Hyundai's driver door.

16:08 Jackson exits his cruiser and approaches the driver side of the Hyundai.

16:10 Jackson: "Get out of the car. Get out of the car."

16:14 Jackson moves to the passenger side of the Hyundai.

16:15 Jackson attempts to open the passenger side front door – door locked.

16:20 WHPD Officer Rappa makes initial unsuccessful attempt to break passenger door window.

16:30 Rappa starts to strike passenger door window with Jackson's baton.

16:34 North: "Jackson go to Taser ... Taser."

16:40 Jackson deploys Taser.

16:41 Rappa attempts to open passenger front door.

16:43 Speaker: "He's reaching!"
Soulemane moves his right arm.

16:44 North starts shooting. Fires seven rounds.

14. A review of the motor vehicle recording from Jackson's cruiser shows:¹¹

12:02 North and Jackson attempt to box in the Hyundai on I-95.

12:11 Hyundai accelerates between cruisers and continues northbound on I-95.

15:39 Hyundai exits I-95 at exit 43.

16:02 Hyundai collides with Trailblazer.

16:05 Jackson pulls his cruiser next to the Hyundai's driver's door.

¹¹ The motor vehicle recorders in the Connecticut State Police cruisers record only video; no audio.

16:09 North's cruiser pulls diagonally in front of the Hyundai.

16:11 Jackson takes initial position on driver's side of Hyundai.

16:13 Jackson moves toward passenger side and North takes position next to driver door window with his gun drawn.

16:37 North taps his Taser with his left hand.

16:43 North peers into driver door window.

16:45 North opens fire.

16:46 During gunfire, Hyundai's driver door opens slightly and closes.

16:51 North uses his radio. Appears to say, "Shots fired."

...

18:26 Hyundai starts to roll forward. WHPD Officer Marchitto opens driver door and enters car applying the brakes.

15. A review of the motor vehicle recording from Dalling's cruiser shows:

14:14 Dalling's cruiser stops behind the Hyundai on Campbell Avenue.

14:36 Rappa attempting to break passenger door window with baton.

14:46 Jackson discharges his Taser.

14:47 Jackson and Rappa outside the Hyundai making no effort to enter. North's attention is focused on Soulemane.

14:49 North fires.

16. A review of Dalling's BWC shows:

14:14 Dalling stops cruiser and exits.

14:24 Dalling stands to rear passenger side of Hyundai with his gun drawn. Rappa is attempting to break the passenger door window without the baton.

14:35 Rappa begins to use the baton.

14:46 Dalling moves around to the rear of the Hyundai.

14:48 Shots heard.

15:00 Dalling reports: "Shots fired, call EMS."

17. A review of Sergeant Ryan Hennessey's BWC shows:

13:41 Hennessey approaches North who is with Sergeant Thomas Kiely and Trooper First Class Colin Richter.

13:45 Hennessey: "Everybody okay?"

Kiely: "Um, you wanna, ah, give me a quick synopsis of what happened so when the bosses are asking ...

North: "Just at the end or the whole thing?"

Kiely: "No, I mean I saw most of the stuff up on the highway ...

North: "So, you saw the DA and whatnot"

Kiely: "Yeah, yeah."

North: "We got here ... we basically ... I guess Jackson was in front of me.

He kind of like of boxed in behind the other car that was just in the right lane.

And then Jackson kind of pulled up here (gesturing with his right hand).

And I went around to the front (gesturing with his left hand).

We got out – felony stop.

I'm at driver's side door.

Jackson's on the other door.

We both have, you know, our guns out.

The guy's kind of out of it.

He almost looked like he was passed out.

Then West Haven got here ... They broke the passenger side window.

And when the window ...

(North looks over at Hennessey who shuts off the audio on his BWC. North continues talking to Kiely.)

(Sergeant Kiely's report indicates that North stated, "but when the West Haven Police Officer shattered the passenger side window the suspect was startled and came to. Trooper North stated that the suspect reached into his waistband and pulled out a knife. Trooper North stated that he subsequently fired his duty weapon.")

...

20:30 Hennessey speaks to Jackson

Hennessey: "What was the guy saying when he, uh, you know ... you actually broke the window or West Haven did."

Jackson: "There was ..."

...

20:53 Jackson: "My cruiser's right here. I got out of this side. He was just kind of staring off into space not doing anything, so I went around to the passenger side with my weapon drawn telling him, 'Get out of the car.' He wasn't doing anything and then North got out and was, you know, was basically like this (indicating aiming a gun).

He had me draw less lethal so I went to Taser."

Hennessey: "He told you to get a Taser ready?"

Jackson: "Yeah, we both had lethal cover and I switched to less lethal cover.

And then, um, West Haven PD grabbed my baton and broke the window.

He wasn't coming out.

He had a knife in his hand.

I deployed the Taser and then North, uh, fired his weapon."

Hennessey: "All right."

...

20:08 Sergeant Kiely joins Jackson and Hennessey

Kiely: "Are you injured?"

Jackson: "I'm not injured."

Kiely: "And North's not injured from the DA?"

Jackson: "I'm not sure if North was in the DA."

Kiely: "Well, what's all this? " (Pointing to damage on North's cruiser)

Hennessey: "He already told me he was ... he told me."

Jackson: "I did not see that part."

Hennessey: "That's all right."

Kiely: "And you did not fire your duty weapon?"

Jackson: "I fired my Taser only."

Kiely: "Just the Taser."

Jackson: (unintelligible)

Kiely: "Do you know if you fired before or after the ..."

Jackson: "I fired before cause, ah, North.
We both had lethal cover.
I switched to less lethal.
I fired the Taser.
And a short time later, North fired his weapon"

Kiely: "Okay."

Note: Kiely's BWC captures this same conversation with

Jackson.

To review Hennessey's BWC recording, click [here](#).

LEGAL STANDARD

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on January 15, 2020, in relevant part, provided:

"(a) 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, 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. 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) and (c) 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 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) A peace officer ... is justified in using *deadly force* upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to : (1) *Defend himself or herself or a third person from the use or imminent use of deadly physical force ...*" (Emphasis added).
General Statutes §53a-22.

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.*, 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. . . . The 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).

As relevant here, the Connecticut Department of Emergency Services and Public Protection Administrative and Operations Manual provides:

Justification for the use of deadly force

A trooper is justified to use deadly physical force only in the performance of official duties as follows:

(1) To defend against the threat of deadly force

A trooper is "justified to use deadly physical force against another person when he reasonably believes deadly force is necessary to defend himself or a third person from the use or imminent use of deadly physical force (Sec 53a-22(c), C.G.S.)"

Accordingly, there is no difference between the statutory standard for police use of deadly force, as codified in General Statutes §53a-22, and the administrative standard set forth in the state police operations manual.

ANALYSIS

Under Connecticut law as applicable here, a determination as to whether a police officer’s use of deadly force was objectively reasonable in defense of a third person requires consideration of four questions:

1. Did the officer, as a matter of fact, actually – that is honestly and sincerely – believe that 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 peace 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 a third person from such threat?
4. Was that actual belief reasonable, in the sense that a reasonable peace 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?

See Connecticut Criminal Jury Instructions 2.8-6, and 2.8-1.

The burden is on the state to prove beyond a reasonable doubt that the peace officer did not act in defense of others. General Statutes §53a-12(a).

In the present case, North makes no claim that he used deadly force to defend himself from Soulemane's use or imminent use of deadly force against him. Nor could he. Soulemane was seated in the driver's seat of the Hyundai. He could not open the driver's door enough to exit because Jackson's cruiser blocked him in. The car windows were all up. Even though he held a knife, he posed no imminent threat to North. North asserts, however, that he used deadly force in defense of third persons, namely Jackson and or Rappa.

As an initial matter, it is important to note that, at the moment that North fired, neither Jackson nor Rappa faced any actual or imminent danger of deadly force being used against them. Soulemane was in the driver's seat of the Hyundai and they were outside of the vehicle. Although he held a knife in his right hand, he was not using the knife against them nor presenting any imminent threat to do so.

North, however, claims that he believed that Rappa was entering the Hyundai and placing himself in danger of an immediate knife attack against him by Soulemane. This assertion must be examined from two perspectives: (1) did North actually believe that, and (2) if he did, was that belief reasonable?

There are reasons to question whether North's statement reflects his actual belief at the time of the shooting. Importantly, his accounts of what happened reported to superior officers approximately twenty minutes after the incident make no mention of protecting Jackson or Rappa. To the contrary, his immediate statements to Sergeants Kiely and Hennessey suggest that he fired when he saw Soulemane pull out the knife. Moreover, Jackson's statements at the scene to Sergeants Hennessey and Kiely also make no mention of entry into the Hyundai or doing anything that would give North that impression. Jackson's on the scene statement also suggests that it was Soulemane's pulling out the knife that caused North to fire his weapon. If North fired only because he saw Soulemane pull the knife, without more, the shooting would not be justified. In such circumstances, the shooting would not be defensive.

Even if North's statement does reflect his actual belief that Jackson and or Rappa were entering the Hyundai, that belief was not reasonable. It was apparent to all involved that Jackson's Taser deployment did not disable Soulemane. It was also apparent that moments before North fired the shots, two West Haven officers called out in a loud voice that Soulemane was reaching for something – likely a weapon.

The passenger door never opened and could not be opened from the outside because the door was locked. Just before firing his gun, North can be seen looking intently into the car at close distance. North knew that the passenger door was not open and the only access point to the vehicle was through the broken-out window. It is simply unreasonable to believe that Jackson or Rappa would intentionally place himself into a zone of lethal danger by crawling through the window knowing that an armed suspect (unaffected by the Taser deployment) was inside the car. A reasonable police officer would know that officers would not put themselves in such a vulnerable position. Such reasonable officer would further know that, since they would not enter the car, they did not need protection from a knife attack by Soulemane. In point of fact, neither Jackson nor Rappa entered the Hyundai and a reasonable officer would have expected them not to.

Moreover, despite the fact that no one said a word, North claims he inferred that Rappa was climbing through the window. It stretches credulity to accept that Rappa would put himself in such a perilous position and not yell out: "I'm going in," or similar statement or that Jackson would not alert North of the impending car entry. Absent such common sense communication, it was unreasonable to make the inference that he claims.

The second set of inquiries concern the necessity to use deadly force. Once the police effectuated the stop, they had control of the situation. It is fair to ask whether they disregarded less lethal options.

Jackson yelled for Soulemane to get out of the car twice as he approached the driver's side of the Hyundai. There was no further communication with him before North discharged his weapon. Only thirty-six seconds elapsed between North taking a position next to the driver window and his firing his gun through that window. Would a reasonable officer have made further attempts to talk to Soulemane either himself or possibly waiting until an officer with crisis intervention training could respond? Rappa told Inspectors that he broke the window to communicate with Soulemane, and facilitate the use of less lethal means to gain control of him. A reasonable police officer would have realized that the police were in control of the situation and the opportunity existed to take a tactical pause to explore the use of methods other than deadly force.

North fired seven shots. Was that reasonable? It is certainly possible that one shot might have disabled Soulemane from attacking others yet not kill him. The law is clear that 20/20 hindsight is inappropriate in evaluating an officer's conduct given the split second decisions officers must make in dangerous situations. The law is also clear, however, that the officer's conduct must be reasonable to be justified.

In the present case, that standard of reasonableness was not met.

EXPERTS¹²

In conducting this investigation, the Office of Inspector General did not consult with any experts. The state's attorney who previously supervised the investigation consulted with two experts and counsel for the Soulemane family consulted with one. They reached different conclusions.

Cheryl Dorsey

Cheryl Dorsey is a retired twenty-year veteran sergeant of the Los Angeles Police Department. Her duties with the LAPD included investigating use of force incidents. Counsel for the Soulemane family consulted her regarding this case. After her examination, Dorsey's opinion was that the use of force by Brian North was "unnecessary, excessive and a violation of police policy."

Her report states:

"Mr. Soulemane was seated inside his vehicle, completely contained, with the driver's side window up and door closed, at the time Trooper North fired seven shots into the driver's side window fatally wounding Mr. Soulemane.

"At the time the shots were fired, there was no immediate defense of life (the officer or others) as Mr. Soulemane did not have the ability to harm any of the officers within close proximity to his vehicle.

"Officers are trained to use deadly force as a last resort and only after all other alternatives have been exhausted; including de-escalation techniques. The tactics used, leading to this fatal officer involved shooting, were contradictory to training and actions which a reasonable officer would deploy."

Cheryl Dorsey's report is set forth in the Appendix, or click [here](#).

Paul L. Taylor

Paul L. Taylor, Ph.D., is an assistant professor of criminal justice at the University of Colorado Denver. He is also a principal of Force Review Group, LLC and author or contributor to

¹² The term "expert" is used in this report for convenience to identify the three persons consulted to render opinions in this case. The use of such term should not be construed an endorsement of (1) their legal status as experts, (2) their methods as being sufficiently reliable and scientific so as to meet the test for admissibility set forth in *State v. Porter*, 241 Conn. 57 (1997), nor (3) the admissibility of their opinions (which may well run afoul of Connecticut law because they embrace the ultimate issue in the case. See Connecticut Code of Evidence Sec. 7-3(a)).

multiple articles on police use of force. The state's attorney who previously led the investigation engaged Taylor's services to examine the Soulemane case.

Taylor's report describes the purpose of his inquiry as an analysis focused on Trooper North's decision to use deadly force.

Taylor suggests that North and Jackson positioned themselves outside the driver and passenger doors of the Hyundai so as to prevent a second carjacking of the Trailblazer then occupied by Cordell Miller. The report further suggests, based on Taylor's training and experience, that Jackson had the role of contact officer in charge of communicating with Soulemane and North took the role of cover officer. Cover officers, according to Taylor, are discouraged from engaging or trying to communicate with a suspect.

Taylor's report states that Jackson and Rappa made multiple attempts to open the front passenger door and Rappa, after breaking the window, appeared to reach into the vehicle on two different occasions. In Taylor's view, those actions support North's statement that he believed that Jackson and Rappa were attempting to enter the vehicle when he fired his weapon.

Taylor notes that, again based on his training and experience, that officers are encouraged to gain control over a subject while they are under the power of a Taser. In addition, Taylor suggests that North's direction to Jackson to pull out his Taser as Rappa broke the window supports North's statement that he believed that Jackson and Rappa were attempting to enter the vehicle through the passenger side window. Taylor further notes that, for a combination of reasons, the Taser deployment had little chance to be successful and that such deployment would not have been a reliable option to stop an active assault with a knife.

Taylor states that Soulemane produced and brandished a knife, which demonstrated, inter alia, continued resistance and/or an impending violent attack. Taylor opines, based on his training and experience, that Jackson and/or Rappa would have been vulnerable to a knife attack immediately upon entering the vehicle.

Taylor posits that North was experiencing tunnel vision (perceptual visual narrowing) on the threat posed by Soulemane. Taylor suggests that what he describes as Soulemane's rapid turn in North's direction and attempt to open the driver side door, indicate that he intended to exit his vehicle through the driver door.

Using special software, Taylor measured the time between each of the seven rounds North fired and measured the time between the discharge of Jackson's Taser and North's first shot. North's BWC recording shows North firing the first round as Soulemane turned and displayed a knife.

Taylor notes that it takes time for human beings to perceive a change in their environment, decide a course of action, and execute a response. He cites a study where experienced police officers were asked to shoot as fast as they could following activation of a green light and continue firing fast until the light went out. Taylor cites a similar study that he conducted with officers who started from an armed position but did not anticipate a specific cue. Applying the average perception-response times from these studies, Taylor posits that North made the decision to fire sometime during the period in which Soulemane was producing and displaying the knife and looking in the direction of Jackson and Rappa. Based on Taylor's review of the video, at this time, Jackson was rapidly approaching the broken out window to deploy his Taser and Rappa was re-holstering his weapon and reaching toward or through the open passenger side window. Taylor opines that all of these factors are consistent with North's statement as to when and why he decided to shoot his firearm.

Taylor concludes that, "Trooper North's decision to use deadly force was in direct response to a perceived and articulable deadly threat posed by Soulemane ... Trooper North's decision-making and actions up to the point of the shooting were reasonable based on the information available to him at the time and the circumstances he was presented with."

Although provided with the reports prepared by Sergeants Kiely and Hennessey, Taylor does not comment on North's oral statements to them at the scene. Taylor's report is set forth in the Appendix, or click [here](#).

James W. Borden

The state's attorney who previously led the investigation also consulted with James W. Borden of C.I.R. consultants, Las Vegas, Nevada. Borden is a retired sergeant formerly with the Henderson, Nevada, police department. While with the HPD, he was involved with use of force training. He is presently on the staff of the Force Science Institute.

Borden's report states that his task was to determine whether the use of force was appropriate and reasonable and whether "Trooper North's belief was reasonable and consistent with the data reflected in the incident." The report expressly states that the analysis is not intended to determine what the troopers or officers involved could have or should have done differently.

Borden's report asserts that, "the only reasonable option available for officers in stopping the threat posed by Soulemane was to move to contact, subdue and control him. Based on this it was reasonable for Trooper North, from his perspective, to believe the officers were moving to contact Soulemane and remove him from the vehicle." The report suggests that, "As the officers moved to contact and remove Soulemane from the vehicle, Trooper North

reasonably believed the officers were in danger of substantial bodily harm or death.” The report continues, “From Trooper North’s perspective, Trooper Jackson was moving toward the vehicle and Officer Rappa’s head dropped below the roofline and out of sight as he moved toward the vehicle. Under these circumstances, it was reasonable for Trooper North to believe that officers were moving to contact and to subdue Soulemane. Trooper North had the vantage point to see the knife as Soulemane was turning toward Jackson with knife in hand.”

Borden’s opinion was that “the use of deadly force was well articulated, consistent with statements and other evidence and appropriate based on Trooper North’s reasonable belief that an imminent deadly threat existed.”

The report notes North’s statement that he believed that Rappa had entered the vehicle through the window and states that, “entering a vehicle through an open window is not ordinarily practiced.” Borden reasons, however, “Trooper North saw Officer Rappa taking affirmative steps to gain entry of the vehicle. Accordingly when he did not see Officer Rappa it was reasonable to believe that Officer Rappa had entered the vehicle.”

Although provided with the reports prepared by Sergeants Kiely and Hennessey, Borden does not comment on North’s oral statements to them at the scene. Borden’s report is set forth in the Appendix, or click [here](#).

Evaluation of Experts

A fundamental problem with the reports of Taylor and Borden is that, despite receiving Kiely’s and Hennessey’s reports, neither expert makes any mention of the inconsistency between North’s oral statements that night (that do not mention protecting Rappa and Jackson) and the written statement submitted by his lawyer one month later. Both uncritically accept North’s statement as an accurate description of his actual belief with respect to the need to use deadly force.

Other than reference to training and experience, none of the expert reports articulates why the methodology they employed is reliable. There is no reference to how different experts could use their method and reach the same conclusion or whether such methodology has been the subject of peer review. Essentially, Dorsey, Taylor, and Borden are three persons with law enforcement backgrounds simply giving their opinions on the ultimate issue in this case.

More specifically, Taylor and Borden both failed to address (1) the fact that neither Jackson nor Rappa actually entered any portion of the car, and (2) that there were obvious reasons (known to North) why they did not do so. Such reasons included: (1) the passenger door was locked, (2) the Taser did not disable Soulemane, (3) the only access point was through a broken out window, (4) Soulemane had a knife, and (5) entering the vehicle would have been

unsafe for either officer. Other than baldly asserting that North's stated beliefs were reasonable, neither expert makes any attempt to explain why that belief would be shared by a reasonable officer; when, on these facts, it is patently unreasonable to believe that Rappa had entered the vehicle through the window simply because his head momentarily dipped below the car's roofline.¹³

CONCLUSION

The investigation establishes Trooper Brian North's shooting of Mubarak Soulemane was not justified. As required by law, the Office of Inspector General will apply for an arrest warrant in order to prosecute him for appropriate homicide charges.

Submitted this 20th day of April, 2022.

A handwritten signature in blue ink, reading "Robert J. Devlin, Jr.", written over a horizontal line.

ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL

¹³ Although Rappa's head does at points dip below the roofline of the Hyundai, North's BWC shows that one second before North fires, Rappa's cap can be seen *above* the roofline of the vehicle.

ADDENDUM

APPENDIX

1. Video from LA Fitness Club, Norwalk
2. Video from AT&T store, Norwalk
3. Video from Shell gas station, Norwalk
4. Trooper First Class Ross Dalling body worn camera video
5. Trooper First Class Ross Dalling motor vehicle recorder video
6. Trooper Joshua Jackson body worn camera video
7. Trooper Joshua Jackson motor vehicle recorder video
8. [Trooper Brian North statement](#)
9. Trooper Brian North body worn camera video
10. Trooper Brian North motor vehicle recorder video
11. Civilian Witness #2 phone video
12. [Cheryl Dorsey Report](#)
13. [Paul L. Taylor Report](#)
14. [James W. Borden Report](#)
15. [Sergeant Thomas Kiely Investigation Report](#)
16. [Sergeant Ryan Hennessey Investigation Report](#)

RECOMMENDATIONS

The death of nineteen-year-old Mubarak Souleman was a tragedy. His death raises the question of what might have been done differently. I respectfully recommend consideration of the following:

1. Command of the Situation

No one was in control of the situation. This is one reason events proceeded in such a chaotic manner. The highest-ranking state police officer on scene should have taken command and directed the conduct of other officers – including those of the West Haven Police Department.

This suggests a need to address this situation in the Police Officer Standards and Training Council pursuit policy. Officers should know in advance, who is in control.

2. Plan of Action

There was no plan. This is why events took on a life of their own after the window shattered. Somebody needed to assert leadership, take a tactical pause, and examine the best course to accomplish safely the arrest of Souleman.

3. Communication

There was minimal communication among the officers on scene.

There was minimal communication with Souleman. Jackson yelled twice for him to get out of the car - that was it.

4. De-escalation Efforts

- a. There was no opportunity for de-escalation after the window shattered - things moved too fast after that. If someone had directed a tactical pause in action, de-escalation could and should have been attempted, possibly with the assistance of officers with crisis intervention training.
- b. The unsolicited and immediate action to shatter the window was imprudent. Instead of de-escalating the situation, that action escalated things dramatically. The shattering of the window caused Souleman to wake up and pull out the knife, which, in turn, caused North to fire his weapon. Whether to shatter a window in a situation comparable to the present case should be the product of careful deliberation.



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Victim/Witness Statement

Date:	Time Started:	Time Ended:	CFS #:
Location:			Statement taken by:

I, Tpr. Brian North #450 Date of Birth: 11/07/1990
of 1111 Country Club Rd Town/City: Middletown State: CT

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

I, Tpr. Brian North #450, was hired by the Connecticut State Police on January 12, 2015. I attended the Connecticut State Police Training Academy for approximately six months. I graduated from the Connecticut State Police Training Academy on December 17, 2015. Upon graduation from the training academy, I was assigned in a patrol function at Troop G in the City of Bridgeport. In my time at Troop G, I have taken multiple classes offered through the department to include but not limited to: classes covering the Use of Force policy, classes covering an officer's response to ambushes or force being used upon an officer, as well as de-escalation classes. On October 21, 2019, I was selected as a new member of the State Police Tactical Unit in the position of Operator.

On January 15, 2020, I was working evening shift (1400 hours – 2330 hours) at Troop G. I arrived at work that day wearing my department issued Class B Winter Uniform. This uniform consists of two Connecticut State Police patches, one on each arm facing outwards, and a Connecticut State Police badge on the front over my left breast pocket. The uniform clearly identifies me as an on duty member of the Connecticut State Police. I arrived at work driving my department issued 2016 Ford Taurus Police Interceptor bearing Connecticut registration 502UTZ. The vehicle is gray in color with no logos or markings on the vehicle. It is equipped with flashing red and blue lights mounted inside the vehicle that are clearly visible from the front, back, and sides of the vehicle when they are activated. The vehicle also has a light bar mounted to the roof of the vehicle. The light bar says "State Police" on both the front and back. The vehicle is also equipped with an audible siren. The emergency red and blue lights and siren were fully functional that day. My assigned patrol that evening was Patrol 7. Patrol 7 covers Interstate 95 northbound and southbound from exits 39 to 47, and the limited access highway portion of Route 34 inbound and outbound to New Haven. Patrol 7 also includes both the northbound and southbound Milford Rest Areas. Tpr. Pagoni #1108 was assigned to work Patrol 4. Patrol 4 covers Interstate 95 northbound and southbound from exits 10 to 18, and the limited access highway portion of Route 7. Patrol 4 also covers the northbound Darien Rest Area. Tpr. Jackson #1422 was assigned to work Patrol 5. Patrol 5 covers Interstate 95 northbound and southbound from exits 18 to 27. It covers the northbound and southbound Fairfield Rest Areas, and the Troop G barracks. Tfc. Dalling #1181 was assigned to work Patrol 6. Patrol 6 covers Interstate 95 northbound and southbound from exits 27 to 39. Tpr. Scott #442 was assigned to work Patrol 8. Patrol 8 covers Interstate 95 northbound and southbound from exits 47 to 56, and Interstate 91 northbound and southbound from exit 3 to the Interstate 95 split. Patrol 8 also covers the northbound and southbound Branford Rest Areas. Tfc. Richter #869 was assigned to Patrol 9. Patrol 9 covers



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Route 8 northbound and southbound from exits 1 to 11, and the limited access highway portion of Route 25 northbound and southbound. Patrol 9 also covers various state buildings in Bridgeport. January 15, 2020 was my third scheduled day working on a five day working, three day off normal rotating schedule provided by the department. During the following incident, both my department issued body worn camera (BWC) and cruiser mounted mobile video recorder (MVR) were activated starting from the time when I initially activated my emergency lights and siren.

On January 15, 2020, at approximately 1645 hours, I was parked off of exit 40 in the Milford Department of Transportation (DOT) parking lot when I heard a transmission over the radio by Troop G desk personnel that the Norwalk Police Department was in pursuit of a stolen motor vehicle. They stated the stolen vehicle was a white Hyundai Sonata bearing Connecticut registration AS21103. It was broadcast over the radio that the vehicle was getting on Route 7 southbound in Norwalk. Tpr. Pagoni was the trooper assigned to cover that area of highway that shift. Tpr. Pagoni acknowledged the transmission and responded to the area. I remember that around this time, Tpr. Scott called me on the phone asking why Troop G desk personnel were broadcasting this over the radio because we are no longer allowed to pursue stolen motor vehicles with the new State Police pursuit policy. Shortly thereafter, Tpr. Pagoni broadcast over the radio that he was behind the Norwalk Officers and was joining the pursuit. A transmission then came over the radio that the vehicle had taken the ramp to Interstate 95 northbound. After a couple of transmission updates from Tpr. Pagoni, Troop G desk personnel broadcast that the Norwalk Police Department had terminated the pursuit. Troop G desk personnel then instructed Tpr. Pagoni to terminate the pursuit as well.

Shortly after the pursuit was terminated, Troop G desk personnel began to broadcast the suspect vehicle's updated location over the radio. I was still on the phone with Tpr. Scott, and we were still questioning why they were still giving updated locations of the vehicle if we were not even allowed to pursue it. Troop G desk personnel later stated over the radio that one of the suspects was armed with a knife, and wanted for threatening. They continued to broadcast updated locations of the suspect vehicle over the radio as they were watching the vehicle on the DOT highway surveillance cameras which are located in the dispatch room of Troop G. Troop G desk personnel then stated over the radio that the vehicle was driving erratically at a high rate of speed down the median, and had reportedly struck several vehicles. Troop G desk personnel continued to broadcast updates of the suspect vehicle's location. As the suspect vehicle approached exit 26 northbound, Troop G desk personnel broadcast that they had received an update from the Norwalk Police Department. They stated, "Troop G to 1422, 869. Just took a call from Norwalk PD. The officers that are investigating are stating that this is now a carjacking incident. Just use caution; the individual did have a knife." Upon learning this new information, I realized that a pursuit would be authorized in accordance with the new State Police pursuit policies. This is because the suspect had carjacked a vehicle with a deadly weapon, and was continuing to drive erratically at a high rate of speed placing all motorists on the roadways lives in danger. Their lives were in danger because a motor vehicle collision at a high rate of speed can cause fatal injuries.

I remember Troop G desk personnel continued to broadcast updates as to the suspect vehicle's location. I checked the map on my MDT for the GPS locations of Tpr. Jackson and Tfc. Dalling, and I noticed they had both positioned their cruisers in the area of exit 27 on Interstate 95 northbound, just north of where the suspect vehicle was reportedly driving. Troop G desk personnel reported that the vehicle had passed exit 27 on Interstate 95 northbound, and was



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approaching exit 28. At this point, I decided to enter onto Interstate 95 from the Milford DOT parking lot where I was parked off of exit 40.

As I began driving on Interstate 95 southbound prior to exit 39, I activated my emergency lights and siren. This caused both my BWC and MVR to start recording. I continued to listen to the updated location of the suspect vehicle over the radio, and noticed how quickly the vehicle must have been traveling due to how quickly Troop G desk personnel were broadcasting the exits that the suspect vehicle was passing. When I heard the suspect vehicle was traveling northbound by exit 33, I decided to get off exit 35 in the City of Milford, and turn around to go northbound on Interstate 95. I entered the northbound 35 entrance ramp and turned off my lights and siren. When Troop G desk personnel broadcast that the vehicle was northbound passing exit 34, I continued driving my cruiser northbound in the right lane at approximately 40mph. I started looking in my rearview mirror to try to observe a white sedan driving erratically behind me. Troop G desk personnel then called out that the suspect vehicle was passing exit 35 northbound. I then observed a white sedan, matching the description of the suspect vehicle, driving erratically in my rearview mirror. I saw the suspect vehicle quickly change from the center lane to the right lane, drive around another vehicle that was in the center lane, and then change back to the center lane. I attempted to position my cruiser in front of the suspect vehicle to block it by changing to the center lane, and then to the left lane in front of it. I then activated my emergency lights, which flash red and blue and are marked with "State Police" in both the front and back of the roof mounted light bar, in an attempt to slow down or stop the suspect vehicle. I started to slow down in an attempt to slow the suspect vehicle. The suspect vehicle then changed back to the center lane, and I changed to the center lane in front of it. The suspect vehicle quickly changed to the right lane and passed me on the right. As the suspect vehicle passed my cruiser, I was unable to observe the operator or determine the number of occupants in the vehicle. The suspect vehicle then changed back to the center lane and started to accelerate. At this time, I positioned myself behind the suspect vehicle, and I began to communicate the necessary information required during a pursuit to Troop G by using my vehicle mounted mobile radio. This information includes the speed, location, lane, and traffic conditions. Since the pursuit had originated in a dangerous felony with a deadly weapon being used, and there was a threat of another violent or deadly crime being committed if the suspect was allowed to escape, we continued the pursuit in accordance with department policy. I was northbound between exits 36 and 37, behind the suspect vehicle, when I communicated to Troop G that the vehicle was in the center lane approaching exit 37 at 86mph. At this time, I activated my emergency siren. I then communicated to Troop G that the suspect vehicle was in the left lane approaching exit 38 at 100mph, and the traffic was medium. I then communicated to Troop G the suspect vehicle was in the right shoulder approaching exit 39 at 80mph. I then communicated to Troop G that the suspect vehicle was in the left lane approaching exit 39a at 100mph. I then communicated to Troop G that the suspect vehicle was passing exit 39b at 100mph. When I was in the area of exit 39 northbound, I noticed a state police cruiser approaching from behind me. The next radio transmission I heard was "1422 G, I'll take over the radio." Pursuant to departmental pursuit policies, Tpr. Jackson took over radio transmissions for the pursuit because he was the second police cruiser in the pursuit.

While we were traveling northbound in the area of exit 40, the suspect vehicle changed from the left lane to the center lane, and almost struck a vehicle in the center lane while making the lane change. I then drove down the left lane to pass the suspect vehicle while it was in the center lane. I changed to the center lane in front of the suspect vehicle. Tpr. Jackson was able to maneuver his cruiser to the left side of the suspect vehicle in the left lane. At this point, Tpr. Jackson and I



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attempted to box in the suspect vehicle. I was able to drive between the center lane and right lane to prevent the suspect vehicle from passing me. The suspect vehicle then drove forward in an attempt to avoid being boxed in, rather than to slow down and stop. While doing so, the suspect intentionally struck both of our cruisers to escape. The suspect vehicle struck the rear driver's side of my cruiser, and sideswiped the passenger's side of Tpr. Jackson's cruiser. Tpr. Jackson's cruiser was then pushed towards the concrete traffic barrier in the center median, and he had to act quickly to regain control of the vehicle. My cruiser shook from the impact, but I was able to maintain control of the vehicle. The suspect vehicle then kept traveling northbound on Interstate 95 in the median and left lane. This occurred while we were traveling at approximately 35 to 40mph. We continued to pursue the suspect vehicle, however, now Tpr. Jackson was directly behind the suspect vehicle, and I was behind Tpr. Jackson. Tpr. Jackson communicated to Troop G that there was a department accident. He also stated that the suspect vehicle was in the left lane passing exit 40 at 80mph, and that the suspect vehicle had sideswiped his cruiser when we tried to box it in. I then communicated to Troop G that the suspect vehicle rear ended my cruiser, and was passing exit 40 at 91mph. I also stated that I will take over radio transmissions and updates since I was now the second police cruiser in the pursuit. I then communicated to Troop G that the suspect vehicle was in the center lane passing the 40 entrance ramp at 90mph. I then communicated to Troop G that the suspect vehicle was back in the left lane passing the Milford Rest Area at 100mph. The suspect vehicle continued to drive in an erratic manner at a high rate of speed with no regard to the safety of other motorists on the highway.

As we continued northbound on Interstate 95 just prior to exit 43, traffic started to increase in volume. The suspect vehicle, at the last moment, cut from the right lane, across the gore area, to the exit 43 ramp, and then drove off exit 43 into West Haven. Tpr. Jackson and I followed the suspect vehicle off exit 43. There was some traffic at the bottom of the ramp, but the suspect vehicle was able to pass the other vehicles by driving in the right lane. The suspect vehicle traveled through the red traffic control signal and took a left from the right turn only lane at the intersection of the Interstate 95 northbound 43 exit ramp and Campbell Ave. We continued to follow the suspect vehicle on Campbell Ave, still using our emergency lights and sirens. As the suspect vehicle continued driving north on Campbell Ave under the Interstate 95 overpass, it came upon stopped traffic. At this point, Tpr. Jackson positioned his cruiser to the driver's side of the suspect vehicle. There was a black SUV directly in front of the suspect vehicle which was also traveling north on Campbell Ave. The suspect vehicle attempted to cut between the Black SUV and Tpr. Jackson's cruiser to escape. While doing so, the suspect vehicle collided with the rear of the black SUV, and sideswiped Tpr. Jackson's cruiser. I did not see any brake lights activate on the rear of the suspect vehicle until after the collision. I estimate that the speed of the suspect vehicle at the time of the collision was approximately 15mph. It appeared that the suspect vehicle intentionally collided with the rear of the black SUV and sideswiped Tpr. Jackson's cruiser in an attempt to escape. I drove around the driver's side of Tpr. Jackson's cruiser, and positioned my cruiser diagonally in front of Tpr. Jackson's cruiser in an attempt to box in the suspect vehicle to conduct a felony stop. I believe my push bumper was positioned near the driver's door of the black SUV preventing the suspect vehicle from escaping.

I placed my cruiser in park. When I got out of my cruiser, I drew my department issued firearm (a Smith & Wesson M&P 2.0 9mm pistol with a mounted flashlight that has a pressure switch to activate the light.) As I rounded the rear of my cruiser, I saw Tpr. Jackson standing by the driver's side of the suspect vehicle. As I approached the suspect vehicle, Tpr. Jackson yelled, "Get out of



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the car," to the suspect. Tpr. Jackson then maneuvered around the front of the suspect vehicle to the passenger's side. I then positioned myself at the front driver's side quarter panel of the suspect vehicle, and activated my mounted flashlight by using my left thumb on the pressure switch so I could see into the vehicle. I positioned myself next to the driver's side door "A pillar" so I could clearly see through the driver's door window. I could see that the suspect was motionless, sitting back in the driver's seat, the seat slightly reclined, with his hands on his lap, and his head resting on the head rest with his eyes closed. I could clearly see the suspect was not wearing his seatbelt, however, I did not believe the suspect was injured because the collision occurred at a low speed. I did not issue verbal commands to the suspect because I could hear Tpr. Jackson issuing commands to the suspect by yelling, "Get out of the car." The suspect was refusing to comply with the command to get out of the car.

At this point, I looked over and saw Tpr. Jackson standing next to the suspect vehicle on the passenger's side with a West Haven Police Officer. I do not believe that the West Haven Officer had any weapons drawn at that time. Shortly afterwards, I saw that the West Haven Officer was attempting to break the passenger's window with what appeared to be a baton. At this point, I instructed Tpr. Jackson to go to a nonlethal option because the suspect did not appear to have any weapons in his hands at that moment. I yelled to Tpr. Jackson, "Jackson go to Taser!" I saw that Tpr. Jackson looked at me when I said this while he was holding his duty pistol (a Sig Sauer P220) in his hands. To make sure Tpr. Jackson heard me, I then tapped on my Taser with my left hand, and yelled, "Taser," as a visual cue to Tpr. Jackson so he would understand what I was telling him in this high stress situation. I saw Tpr. Jackson re-holster his duty firearm and remove his Taser. I was using the pressure switch on my mounted flashlight, so when I removed my left hand to tap my Taser, the light temporarily went off. The Taser is a nonlethal tool that is used by law enforcement officers to assist in gaining control of a suspect. A proper deployment of the Taser can cause neuro-muscular incapacitation (NMI). This causes the suspect's muscles to lock up, which gives law enforcement officers the opportunity to immediately move in and handcuff the suspect while they are under the effects of NMI. A proper Taser deployment is approximately a one foot spread or more between the upper and lower probes, with both probes impacting the body of the suspect. It is preferred that the upper probe impacts just above the belt line on the lower torso/abdomen of the suspect, and the lower probe impacts the suspect in the leg. If the Taser is fired at close range, there may not be enough spread between the two probes, and the Taser would not cause NMI. Thick clothing, such as a winter jacket, can cause the probes not to impact the suspect's body, and the Taser would have no effect.

After giving instructions to Tpr. Jackson to go to Taser, I put my left hand back on my pistol and reactivated the mounted flashlight. I could see that the suspect was wearing a black winter jacket, which I knew would likely cause the Taser to be ineffective. I could also see that Tpr. Jackson was in close proximity to the suspect, which could also cause the Taser not to induce NMI. I continued to provide lethal cover in case the suspect escalated the situation. I continued to monitor the suspect and noticed his hands still appeared to be empty on his lap. The suspect was not moving at this time. Knowing this, I continued to provide lethal cover because I knew Tpr. Jackson only had his Taser out, and the West Haven Officer only had a baton in his hands. After multiple strikes of the baton on the window, I believe about five or six strikes, the window shattered. As soon as the window shattered, I saw the suspect's eyes open wide. I also saw the West Haven Officer's head had dropped down below the roofline of the suspect vehicle, and it appeared to me that he was going to enter the vehicle through the window to remove the suspect. I know through my training and experience, when a suspect refuses to comply, and law



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enforcement officers force entry into a vehicle through a window, the immediate response is to move in and pull out the suspect. The suspect quickly sat straight up in the driver's seat. As the West Haven Officer was trying to enter the suspect vehicle, the suspect quickly moved his right hand, and went straight for his right front pants pocket. I heard someone yell out, "He's reaching. He's reaching." I am unsure which officer on scene was the one yelling. At this moment, I remember thinking to myself, I do not want to shoot the suspect based solely on furtive movement. The suspect continued to make furtive movements, was reaching into his right front pants pocket, appeared to be pulling something out, and quickly looked to his right in the direction of the West Haven Officer and Tpr. Jackson. I immediately became concerned for the safety of both the West Haven Officer and Tpr. Jackson, as Tpr Jackson only had his Taser out, and I did not believe that the West Haven Officer had his weapon drawn. At this point, I felt my field of vision narrow, focusing on watching the suspect's hands. Immediately the suspect, using his right hand, quickly removed a silver colored object from his right front pants pocket. As the suspect raised his right hand from his right front pants pocket with the object still in it, I recognized the object the suspect removed from his pocket to be a fixed blade knife. The knife had a silver colored serrated blade that was approximately four inches long. The suspect held the knife in his right hand, in a closed fist, at a 90 degree angle with his body. The knife was held with the tip of the blade facing up towards the roof of the suspect vehicle, and the serrated edge facing towards the front of the vehicle in the direction of the front windshield. While the suspect held the knife in his right hand, he began abruptly moving in the driver's seat. I quickly took my eyes off the suspect and looked in the direction of Tpr. Jackson and the West Haven Officer. I saw Tpr. Jackson quickly advancing towards the open passenger window, and I could not see the West Haven Officer anymore. This led me to believe that the West Haven Officer had already begun to enter the suspect vehicle to take control of the suspect. I immediately looked back at the suspect and saw that he still had the knife in his hand, and he was making furtive movements. The suspect was moving and holding the knife in an aggressive manner, and appeared to me to be preparing to attack either Tpr. Jackson or the West Haven Officer. Based on these circumstances, I believed that Tpr. Jackson and the West Haven Officer were at imminent risk of serious physical injury or death, and could have been stabbed in the neck or face as they attempted to enter the vehicle and remove the suspect. As a result, I discharged my duty firearm to eliminate the threat.

I discharged my duty pistol, a Smith and Wesson M&P 2.0 9mm, several times aiming for center mass on the suspect in an effort to stop the threat. At the time, I was unsure how many times I had discharged my duty pistol. After discharging my firearm, I immediately activated my portable radio and broadcast, "Shots fired." I then looked into the suspect vehicle, and I could see the suspect was still moving. I then yelled, "He's got a knife. Drop the knife! Drop the knife." The driver's side window was shattered. I crouched down to look through the hole in the shattered glass of the window. I then yelled out, "It's out of his hands. It's on his lap." I could see the suspect was still moving at this time, but noticed the knife was now on his lap. Then I used my pistol to remove some of the glass so I could see clearly into the suspect vehicle. I continued to maintain lethal coverage until I knew there was no longer a threat. I immediately noticed that the suspect's head was back on the headrest, and he was looking up at the roof of the vehicle. At this point, the knife was on the suspect's lap a couple inches away from both of his hands. I quickly reached into the vehicle with my left hand, removed the knife, and placed it on the hood of the suspect vehicle. I told the officers on the passenger side of the suspect vehicle, "I got the knife. It's on the hood. Pull him out." Knowing that I had retrieved the weapon from the suspect, and that there was no longer a threat, I instructed the other officers on scene to pull the suspect out of



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the vehicle knowing we needed to immediately render first aid. I radioed to Troop G that we needed EMS, and no officers were injured. I am unsure which officers removed the suspect from the vehicle, but I know that officers entered the vehicle from the passenger's side, and removed the suspect onto the roadway. As soon as the suspect was pulled out of the driver's seat, the suspect vehicle started to roll forward because the suspect's foot must have been on the brake pedal. The suspect vehicle moved forwards and struck the back of the black SUV again. I re-holstered my duty pistol, and walked around to the passenger's side of the vehicle to help render first aid.

When I walked to the passenger's side of the suspect vehicle, I saw that the suspect was lying in a supine position on the roadway next to the vehicle, and a West Haven Police Officer was assuming primary responsibilities of administering first aid to the suspect. I began to take out my handcuffs, but after seeing the extent of the suspect's injuries, I believed that first aid would be best rendered to the suspect if he was not in handcuffs. I placed my handcuffs back in the handcuff pouch on my belt, and pulled out a pair of latex gloves. I then began to assist with first aid. Tpr. Scott yelled for someone to grab their first aid bag. I immediately went over to my cruiser and removed the department issued blue first aid bag from the trunk. I brought the first aid bag over to the suspect, and placed it on the ground next to him. I was positioned on the suspect's left side, and the West Haven Officer who had taken over primary responsibilities in rendering first aid to the suspect was on the suspect's right side. I removed my bag valve mask (BVM) while the West Haven Officer was packing the suspect's chest wounds with quick clot in an attempt to stop the bleeding. The West Haven Officer and I worked together to provide medical attention to the suspect. At some point, the West Haven Officer began CPR by doing chest compressions, and I provided rescue breaths to the suspect using my BVM.

I am unsure how many rounds of CPR we performed until Tfc. Richter came over to us and asked if I was the one who had fired shots. Once Tfc. Richter realized that I was the one who discharged their firearm, he told me to stop doing CPR and told Tpr. Jackson to replace me. Moments later, I noticed the West Haven Fire Department had arrived on scene. Within a few minutes, I began to process what had just occurred. I believe I was in shock because my hands and body were shaky, and my heart rate was elevated. Tfc. Richter was instructed to transport me to Yale New Haven Hospital for evaluation.

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

Victim/Witness Name: <i>Tpr. Brian North #450</i>	Victim/Witness Signature: <i>Tpr. Brian North #450</i>	Date: <i>02/18/2020</i>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.
If notarized, endorse here:

Oath Taken By: *Jeffrey Menta* *Jeffrey Menta* *2/18/20*
Name Signature Date Signed
Commissioner of the Superior Court

Witness Name:	Witness Signature:	Date:
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2

Statement of Sgt. Cheryl Dorsey (retired, LAPD)

As a retired twenty year veteran sergeant of the Los Angeles Police Department, having served between 1980 through 2000, part of my responsibilities included observing, evaluating and investigating use of force incidents.

To that end, it is my professional opinion that the lethal force used by CT State Trooper Brian North was unnecessary, excessive and a violation of police policy, which allows for deadly force in the immediate defense of life (I.D.O.L.)

Mr. Soulemane was seated inside his vehicle, completely contained, with the driver's side window up and the door closed, at the time Trooper North fired seven times into the driver's side window, fatally wounding Mr. Souleman.

At the time the shots were fired, there was no immediate defense of life (the officer or others) as Mr. Soulemane did not have the ability to harm any of the officers within close proximity to his vehicle.

Officers are trained to use deadly force as a last resort and only after all other alternatives have been exhausted; including de-escalation techniques. The tactics used, leading up to this fatal officer involved shooting, were contradictory to training and actions which a reasonable officer would deploy.

I analyzed the shooting in February, 2020 on my YouTube channel, "Sgt. Dorsey Speaks"

<https://www.youtube.com/watch?v=nOpv0Tubymg>

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March 8, 2021

Michael A. Gailor
State's Attorney
Middlesex JD
One Court Street
Middletown, CT 06457

Re: Mubarak Soulemané
Case No. CC2020-001

Dear Mr. Gailor,

Thank you for the kind invitation and opportunity to review this case and provide an objective opinion.

You asked me to review a police-involved shooting incident (Case No. CC2020-001) involving a Connecticut State Police Trooper, Brian North (#450), that occurred on January 15, 2020 and resulted in the death of Mubarak Soulemané.

All the information found in this report was gleaned from documents, statements, either written or transcribed for the purposes of this report, video or audio recordings, pictures, and/or information supplied to me by your office. All items that were used for the purpose of this report are listed under "Materials Received".

This correspondence shall serve as my report and expression of professional opinion in relation to this incident.

Expert Qualifications:

I have a Bachelor of Arts in Criminal Justice (2014) from the University of Colorado Denver. I have a Master of Arts in Criminal Justice (2016) from the University at Albany, State University of New York. I have a Ph.D. in Criminal Justice (2019) from the University at Albany, State University of New York. My doctoral dissertation and subsequent

research have been focused on police decision-making, human factors, and system safety in the context of police interactions with the public.

I am currently a tenure track Assistant Professor of Criminal Justice at the University of Colorado Denver. Over the course of my academic career, I have taught university level classes on variety of law enforcement topics including evidence-based policing, problem-oriented policing, and introduction to policing. I have also taught undergraduate research methods and a comparative criminal justice course. My research on police decision-making and human factors during use of force encounters has won awards from the American Society of Criminology and the Policing Section of the American Society of Criminology. My research has been published in top ranked peer reviewed journals such as *Criminology & Public Policy* and *Police Quarterly*. I have also published articles on police use of force; police use of force investigations; and police use of force training in non-peer reviewed practitioner-oriented outlets. I regularly present at both academic and practitioner conferences across the United States and internationally on the topics related police decision-making and human factors in the context of use of force encounters, investigations, and training. Please see my attached CV for additional information.

I am the founder and senior instructor for the Association of Force Investigators. The Association of Force Investigators is an international networking and continuing education platform for professionals who investigate, review, and/or adjudicate police use of force cases. I am also a lead instructor for Critical Incident Review where I train investigators on interview techniques for use-of-force investigations. Formerly, I worked as a lead instructor and course coordinator for the Advance Force Science Specialist Course. This semester long course examines the human factors involved in police use of force encounters and their application to use of force investigations and training. I was also an instructor for the five-day Force Science Certification Course where I taught sections on attention and decision-making. In these roles, I have trained hundreds of law enforcement officers, investigators, attorneys, and trainers from across the United States and internationally on the human factors involved in police use of force encounters, investigations, and training.

I have over ten (10) years of fulltime law enforcement experience including time as a patrol officer / deputy, defensive tactics / arrest control instructor, field training officer, patrol sergeant, and department training manager. I have been a certified law enforcement officer in the United States Navy, the State of California, and the State of Colorado.

I have completed more than 3,091 hours of basic and advanced law enforcement training. This training included the International Association of Chiefs of Police Leadership in Police Organizations; Colorado POST Supervisory Institute; Colorado POST Instructor Development (Train-the-Trainer); Police Use of Force for Executives, Mid-Managers, and Supervisors; Basic Force Science Analyst Certification; Advanced Force Science Specialist; FBI Defensive Tactics Instructor; Krav Maga Instructor Series II, III, & V; PPCT Defensive Tactics Instructor; PPCT Ground Avoidance Ground Escape Instructor; PPCT

91 Spontaneous Knife Defense Instructor; TASER Instructor. Please see my attached CV
92 for additional information.

93
94 I am an International Association of Directors of Law Enforcement Standards and Training
95 (IADLEST) Nationally Certified Law Enforcement Instructor. I have developed and
96 delivered thousands of hours of training to law enforcement officers at the academy, field
97 training, in-service, and continuing education levels. This training has been primarily
98 focused on issues surrounding police use of force and arrest & control tactics, but I have
99 also taught law enforcement classes ranging from police ethics to de-escalation and
100 report writing. I was an invited staff instructor for the International Law Enforcement
101 Educators and Trainers Association Conferences in 2017 and 2019. I was an invited staff
102 instructor for the Daigle Law Group Use of Force Summit in 2019 and presented a keynote
103 address during 2020 summit. I am regularly invited to present to law enforcement
104 audiences across the United States on a range of professional law enforcement topics.
105 Please see my attached CV for additional information.

106
107 In addition to the above qualifications, I am currently serving as a subject matter expert
108 on police practices in the following relevant service capacities:

- 109
110 - Colorado Peace Officer Standards and Training (POST) Curriculum Committee
111 Subject Matter Expert
- 112
113 - Human Factors and Ergonomics Society Government Relations Subcommittee on
114 Law Enforcement

115 116 117 **Materials Reviewed:**

118
119 My opinions and conclusions in this case are based upon an examination of the following
120 materials:

121 122 **Items received on January 27, 2021:**

- 123
124 • I received an email from your office with instructions on how to access a
125 password-secured shared drive with the following items:
 - 126
127 - Bek Tek Email Directions.msg
 - 128
129 ▪ BEKTEK (Folder)
 - 130 - Bek Tek Email Directions.msg
 - 131 - Jackson Full Speed.mkv
 - 132 - Jackson Half Speed.mkv
 - 133 - Jackson Quarter Speed.mkv
 - 134 - Jackson.zip
 - 135 - North Full Speed (1).mkv
 - 136 - North Half Speed (1).mkv

137	- North Quarter Speed (1).mkv
138	- North.zip
139	
140	■ CSP (Folder)
141	- 2. Investigative report.pdf
142	- 3. Evidence Report.pdf
143	- 10. Hyundai Sonata Vehicle Inventory.pdf
144	- 17. Responding State Troopers Reports.pdf
145	- 2000023501 TROOP G TRANSMISSIONS.distribution
146	- 2000023783TROOPG.xlsx
147	- 20000023783HOTLINE.xlsx
148	- Brian North Statement.pdf
149	- Brian North Training Curriculum.pdf
150	- Christopher Scott Report.pdf
151	- CSP Radio Codes.pdf
152	- Dispatch,911,Radio Synopsis.pdf
153	- Faro Scan Report.pdf
154	- Hyundai Sonata Processing.pdf
155	- Joshua Jackson Statement.pdf
156	- Overall Scene PDF.pdf
157	- Primary Digital Photographs.pdf
158	- Registration-Report_CFS2000023783_2020-02-03 (1).pdf
159	- Ross Dalling Report.pdf
160	- Secondary Digital Photography Reports.pdf
161	- Table of Contents.pdf
162	- Troop G [Bridgeport] 911 Radio Transmissions (4).pdf
163	- Troop G Call Summary 01.15.2020.pdf
164	- Trooper North Photographs - Equipment Inventory.pdf
165	
166	■ CSP VIDEOS (Folder)
167	- Video (01).MXF
168	- Video (02).MXF
169	- Video (03).MXF
170	- Video (04).MXF
171	- Video (05).MXF
172	- Video (06).MXF
173	- Video (07).MXF
174	- Video (08).MXF
175	- Video (09).MXF
176	- Video (10).MXF
177	- Video (11).MXF
178	- Video (12).MXF
179	- Video (13).MXF
180	- Video (14).MXF
181	- Video (15).MXF
182	- Video (16).MXF

183	- Video (17).MXF
184	- Video (18).MXF
185	- Video (19).MXF
186	- Video (20).MXF
187	- Video (21).MXF
188	- Video (22).MXF
189	- Video (23).MXF
190	- Video (24).MXF
191	- Video (25).MXF
192	- Video (26).MXF
193	- Video (27).MXF
194	- Video (28).MXF
195	- Video (29).MXF
196	- Video (30).MXF
197	- Video (31).MXF
198	- Video (32).MXF
199	- Video (33).MXF
200	- Video (34).MXF
201	
202	- FTP Middletown Share Instructions.doc
203	
204	▪ INSPECTORS REPORTS (Folder)
205	- Meeting with CSP Troopers 3.pdf
206	- Meeting with WHPD Robert Rappa.pdf
207	
208	▪ NICE MEDIA (Folder)
209	- 2020-01-16 1326.wpl
210	- NiceInformMediaPlayer.EXE
211	
212	▪ NORWALK PD REPORTS (Folder)
213	- Norwalk PD Radio Transmissions-911 Calls-BC Videos.pdf
214	- NPD Case Reports # 20-2152 (2).pdf
215	- NPD Case Reports # 20-2152.pdf
216	
217	▪ Photos (Folder containing 207 photo files)
218	
219	▪ WEST HAVEN PD REPORTS (Folder)
220	- Det Brian Bogert WHPD.pdf
221	- Det Robert Fazzino WHPD.pdf
222	- Off Joseph McDonald WHPD.pdf
223	- Off Robert Rappa WHPD.pdf
224	- Off Thomas Marchitto WHPD.pdf
225	- Off Timothy Healey WHPD.pdf
226	- Sgt Craig Thompson WHPD.pdf
227	- Sgt Jordan Zwickler WHPD.pdf
228	- Trooper Involved Shooting West Haven.distribution

- West Haven Radio Codes.pdf
- Brian North BWC.mp4
- Brian North MVR.mp4
- Joshua Jackson BWC.mp4
- Joshua Jackson MVR.mp4
- Ross Dalling MVR.mp4
- Trooper Involved Shooting West Haven.distribution
- Trooper Jackson BWC Transcript Notes.docx
- Trooper North BWC Transcript Notes.docx

Additional Source Material:

- AXON. (2020). TASER CEW Instructor Certification Course (Version 22). Axon TASER Training Department.
- Green, M. (2018). *Roadway Human Factors: From Science to Application*. Tucson, AZ: Lawyers & Judges Publishing Company.
- Klinger, D. A., & Brunson, R. K. (2009). Police officers' perceptual distortions during lethal force situations: Informing the reasonableness standard. *Criminology & Public Policy*, 8(1), 117-140.
- Lewinski, W. J., Hudson, W. B., & Dysterheft, J. L. (2014). Police officer reaction time to start and stop shooting: The influence of decision-making and pattern recognition. *Law Enforcement Executive Forum*, 14(2), 1-16.
- Schmidt, R. A., & Lee, T. D. (2020). *Motor Learning and Performance: From Principle to Application (6th Edition)*. Champaign, IL: Human Kinetics.
- Taylor, P. L. (2020). "Engineering resilience" into split-second shoot/no shoot decisions: The effect of muzzle-position. *Police Quarterly*. (Online First).

Report:

Purpose:

I was asked to utilize my particular fields of expertise to analyze the circumstances, which form the basis of this case and to provide those conclusions and opinions that are reliably supported, to a high degree of scientific certainty, by established and acceptable standards. Subsequently, I am prepared to testify on the following areas with application to this incident.

Based on my conversations with you and my particular areas of experience and education, my analysis of this case will be focused on Trooper Brian North's decision to use deadly force.

Relevant Information:

- According to Trooper North's statement, he was parked off of Exit 40 in the Milford Department of Transportation (DOT) parking lot when he heard a radio dispatch that Norwalk Police Department was in pursuit of a stolen vehicle. Trooper North monitored the pursuit from that location until he received the following dispatch update, "Troop G to 1422, 869. Just took a call from Norwalk PD. The officers that are investigating are stating that this is now a carjacking incident. Just use caution; the individual did have a knife" (Brian North Statement.pdf, p. 2). According to Trooper North, "Upon learning this information, I realized that a pursuit would be authorized in accordance with the new State Police pursuit policies. This is because the suspect had carjacked a vehicle with a deadly weapon..." (p. 2). According to the dispatch log, this information was aired at 1650 hours (2000023783TROOPG.xlsx, p. 1).
- Between 1650 hours and 1705 hours, when the dispatch log indicates that shots were fired, it does not appear that any additional information was aired to contradict the information that the vehicle being pursued had been "carjacked" by a person armed with a knife (2000023783TROOPG.xlsx, pp.1-2).
- According to Trooper North's statement, once he joined the pursuit, he observed the fleeing vehicle driving "erratically" at high rates of speed and nearly strike another vehicle. When Troopers North and Jackson attempted to "box in" the fleeing vehicle, "The suspect vehicle then drove forward in an attempt to avoid being boxed in, rather than to slow down and stop. While doing so, the suspect intentionally struck both of our cruisers to escape" (p. 4). Note: These observations were supported by the dashcam footage of the pursuit that I reviewed.
- After the pursuit ended with the fleeing vehicle running into the back of an SUV and Trooper North pulled up and exited his vehicle, a person can be clearly seen in the SUV that the fleeing vehicle struck (Brian North MVR.mp4; 00:09:55.861). That person does not appear to exit the vehicle prior to the shooting and can be seen moving around inside the vehicle at several different times well after the actual shooting occurred.



- According to Trooper North's statement and multiple video recordings of the incident, Trooper North positioned himself just outside the front driver side door with his firearm drawn and pointed at the driver. Trooper Jackson moved from the front driver side door to the front passenger side door when Trooper North arrived.
- When Trooper Jackson first moved around to the passenger side of the vehicle, he attempted to open the front passenger side door (Joshua Jackson BWC.mp4, 00:16:15.100).
- As West Haven Police Officer Robert Rappa was attempting to break out the front passenger side window of the vehicle, Trooper North told Trooper Jackson to transition to TASER. Trooper Jackson subsequently holstered his firearm and drew his TASER.
- According to AXON's (2020) TASER CEW Instructor Certification Course presentation, one of the 5 Key Safety Guidelines in deploying a Taser is to "Restrain Fast" (slide 32). They encourage officers to apply handcuffs while the person is "under power" and to do it "FAST" (slide 39).
- According to Trooper North's statement, Trooper North fired his weapon because, "The suspect was moving and holding the knife in an aggressive manner, and appeared to me to be preparing to attack either Tpr. Jackson or the West Haven Officer. Based on these circumstances, I believed that Tpr. Jackson and the West Haven Officer were in imminent risk of serious physical injury or death, and could have been stabbed in the neck or face

344 as they attempted to enter the vehicle and remove the suspect. As a result,
345 I discharged my duty firearm to eliminate the threat" (p. 6).
346

- 347 • After breaking out the front passenger side window of the vehicle, West
348 Haven Police Officer Robert Rappa appeared to reach through the broken
349 window and then pulled on the exterior door handle (Joshua Jackson
350 BWC.mp4, 00:16:41.300 – 00:16:41.900).
351
- 352 • Officer Rappa let go of the front passenger side door handle, stood more
353 upright, and started to draw his firearm but quickly re-holstered it (Joshua
354 Jackson BWC.mp4, 00:16:42.033 – 00:16:43.367).
355
- 356 • After re-holstering, Officer Rappa appeared to bend forward at the waist and
357 his right hand moved toward the open passenger side window and then
358 back to the door handle as if to try and open it again (Joshua Jackson
359 BWC.mp4, 00:16:43.400 – 00:16:45.200). While Officer Rappa's arm and
360 hand were obstructed from the view of Trooper Jackson's body-camera by
361 Trooper Jackson's extended left arm, it appears that Officer Rappa was
362 attempting to reach through the broken window. It should be noted that
363 Trooper North started firing between these frames.
364
- 365 • Trooper Jackson moved rapidly toward the broken out front passenger side
366 window and fired his TASER (Joshua Jackson BWC.mp4, 00:16:43.100 –
367 00:16:44.667). It should be noted that Troop North started firing between
368 these frames.
369
- 370 • As Trooper Jackson began moving toward the broken out front passenger
371 side window of the vehicle, Mr. Soulemane can be seen bringing his right
372 hand up and appears to be looking in the direction of Trooper Jackson and
373 Officer Rappa (Joshua Jackson BWC.mp4, 00:16:42.933 – 00:16:43.133).
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- Just preceding the firing of Trooper North's first round, Mr. Soulemane made a rapid turn toward Trooper North and raised a metal-colored object in Trooper North's direction (Brian North BWC.mp4; 00:10:31.700 – 00:10:31.900). This movement took approximately 0.20 seconds to complete.



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- As Trooper North was firing, the front driver side door opened but was obstructed from opening all the way by the patrol vehicle parked next to it (Brian North BWC.mp4; 00:10:32.266).



Analysis:

- During the vehicle pursuit, Mr. Soulemane demonstrated the willingness to use force, by hitting the pursuing troopers' vehicles, and a disregard for his own safety and the safety of others in his attempts to avoid capture.
- Based on the information available to Troopers North and Jackson at the end of the pursuit – i.e., the vehicle they were pursuing was stolen and the driver of the vehicle had been involved in a "carjacking" and was armed with a knife – and the fact that the SUV that Mr. Soulemane crashed into was likely drivable and occupied by at least one person, the troopers' decision to immediately approach the vehicle and position themselves outside the vehicle's driver and passenger side doors was, in my opinion, reasonable. The occupied and likely operational SUV that the suspect vehicle crashed into presented the opportunity for a second carjacking and continued pursuit. While this was not articulated in either of the troopers' statements, their positioning makes sense from the perspective of protecting the driver of the SUV, reducing the potential for another violent crime, and reducing the chances of a secondary vehicle pursuit.
- From the time Trooper Jackson moved to the front passenger side door of the suspect vehicle, there were multiple attempts by both Trooper Jackson and Officer Rappa to open the front passenger side door. These attempts continued up to and even after the first couple of rounds were fired by Officer North. In addition, after Officer Rappa broke out the front passenger side window, he appears to reach into the vehicle on two different occasions including once immediately before Officer North discharged his firearm. This supports Trooper North's statement that he believed Trooper Jackson and Officer Rappa were attempting to enter the vehicle when he fired his weapon because, in fact, they were actively trying to open the passenger side door.
- Based on my training and experience as well as Axon's (TASERs manufacturer) training for TASER instructors, officers are encouraged to gain physical control of a subject while they are under the power of a TASER discharge. This is one of Axon's five safety guidelines for the use of a TASER. Trooper North asking Trooper Jackson to pull out his TASER as Officer Rappa was attempting to break out the front passenger side window is both indicative of a mindset to end the confrontation through less than lethal means and supports his statement that he believed Trooper Jackson and Officer Rappa were attempting to access the vehicle through the passenger side door.
- The fact that Mr. Soulemane produced and brandished a knife, while multiple law enforcement officers surrounded his vehicle with their weapons pointed at him and ordered him out of the vehicle, demonstrated active

noncompliance and a disregard for his own safety. It was also indicative of continued resistance and/or an impending violent attack.

- Based on Mr. Soulemane's rapid turn in Trooper North's direction and the opening driver side door, after Trooper North started to fire his weapon, it appears that Mr. Soulemane intended to exit his vehicle through the driver side door toward Trooper North, but was prevented from doing so by both the front of Trooper Jackson's vehicle and Trooper North's gun fire (Brian North BWC.mp4; 00:10:32.266).
- Because there is lost data between frames in a video recording, I used the audio stream from Trooper North's body worn camera to determine how many rounds were fired, the split times between fired rounds, and the total length of time Trooper North fired his weapon. To accomplish this, I used the temporal frequency analysis function in software called WavePad produced by NCH Software. While this software allows me to measure to 1/1000 of a second, all times presented here are estimates.

Total Number of Rounds Fired: **7 Rounds**

Total Firing Time: **1.452 seconds**

Average Split Times between Rounds: **0.207 seconds**

- Time between rounds 1 and 2: **0.331 seconds**
- Time between rounds 2 and 3: **0.213 seconds**
- Time between rounds 3 and 4: **0.262 seconds**
- Time between rounds 4 and 5: **0.223 seconds**
- Time between rounds 5 and 6: **0.223 seconds**
- Time between rounds 6 and 7: **0.200 seconds**

- I used the WavePad software and the audio stream from Trooper Jackson's body camera to determine the temporal relationship between the discharge of his TASER and Trooper North's first shot.

Time between TASER discharge and the first shot: **0.282 seconds**

- Based on Trooper North's body worn camera footage, Trooper North fired the first round as Mr. Soulemane rapidly turned and pointed the knife in his direction. However, based on perception-response times for shooting tasks, the point at which Trooper North actually fired his weapon was not the point at which he decided to fire his weapon.
- It is well established in the behavioral sciences that it takes time for human beings to perceive a change in their environment, decide on a course of action, and execute a motor movement or series of motor movements (body movements) in response to the change (Schmidt & Lee, 2020). People can do this very quickly and under most circumstances the fractions of a second it takes for us to perceive a change and react to it has no impact on the

499 outcomes of our activities. However, this time delay between an
500 environmental change, a person's perception of that change, and their
501 response to that change can be critical to understanding outcomes in time
502 compressed events like the shooting Troop North was involved in. As an
503 example, we know that it takes time for a driver, even an attentive driver, to
504 perceive brake lights being activated on a vehicle in front of them; to decide
505 on a response; and to execute the motor movement necessary to apply the
506 brakes of the vehicle they are driving. Driver perception-response times
507 have been extensively studied and are regularly used by crash investigators
508 to assist in both the reconstruction of accidents and to determine the
509 reasonableness of driver decision-making (Green, 2018).
510

- 511 • Lewinski et al. (2014) conducted a study in which experienced police
512 officers were asked to start shooting as fast as they could in response to
513 the activation of a green light and to continue shooting as fast as they could
514 until the light went off. They found that it took experienced police officers an
515 average of 0.31 seconds within a range of 0.20 to 0.58 seconds to start
516 shooting from an aimed position. It should be noted that these officers were
517 anticipating the cue (the activation of a light) to start firing. When the
518 researchers added a decision element, the average response time
519 increased to 0.56 seconds with a range of 0.37 and 0.87 seconds. It is
520 important to note that the officers in this study were anticipating the change
521 and had been instructed on how they should respond. The study also found
522 that the average time between trigger pulls when an experienced officer
523 was firing as fast as possible was 0.24 seconds with a range of 0.12 to 0.71
524 seconds.
525
- 526 • Similarly, Taylor (2020) found that when experienced police officers started
527 from an aimed position and they were not anticipating a specific cue, it took
528 them an average of 0.51 seconds to shoot in response to a rapidly produced
529 threat with a range of 0.32 to 0.86 seconds.
530
- 531 • It should be noted that both of these studies were conducted in near
532 laboratory conditions and that the start signals or threat presentations were
533 unambiguous. Yet, it still took experienced officers time to perceive the
534 changes and carry out their responses to them. None of the officers in either
535 study, were able to respond instantaneously to change, even when they
536 expected it and knew the appropriate response.
537
- 538 • Applying even the fastest perception-response times for shooting tasks
539 from an aimed position in response to a complex or unanticipated cue in a
540 laboratory setting (Lewinski et al. = 0.37 seconds; Taylor = 0.32 seconds);
541 would mean that Trooper North made the decision to shoot prior to Mr.
542 Soulemane starting his rapid turn toward Trooper North and prior to Trooper
543 Jackson discharging his TASER.
544

- Using the average perception-response times for shooting tasks from Lewinski et al.'s (0.56 seconds) or Taylor's (0.51 seconds) studies, would mean that Trooper North made the decision to fire the first round sometime during the period in which Mr. Soulemane was producing and displaying the knife and looking in the direction of Trooper Jackson and Officer Rappa. In this same time period, Trooper Jackson was rapidly approaching the broken-out passenger side window to deploy his TASER and Officer Rappa was re-holstering his firearm, bending forward and reaching toward or through the open passenger side window. All of these factors are consistent with Trooper North's statement as to when and why he decided to use deadly force.
- Trooper North's shot cadence (average = 0.207 seconds between rounds) was consistent with the range Lewinski et al. (2014) found for officers pulling the trigger as fast as possible (Average = 0.24 seconds between rounds). The speed and duration of fire would have left little room for additional decision-making beyond the initial decision to shoot and the decision to stop shooting, which also takes time. Trooper North's statement does not indicate why he stopped shooting when he did, and I was not able to see an indication in the videos as to why Trooper North stopped shooting when he did.
- After Trooper North's first shot into the vehicle, it is not likely that he had a clear view inside the vehicle due to the shattered glass caused by his rounds.
- Firing into the vehicle when Trooper North's stated belief was that Trooper Jackson and/or Officer Rappa were entering the vehicle on the passenger side was risky. His close proximity to Mr. Soulemane and his angle of fire certainly reduced the risk to Trooper Jackson and Officer Rappa but did put other responding officers who were standing at the rear of the vehicle on the passenger side in danger. Trooper North does not mention these officers in his statement, and it is all together possible that he did not see them at all. It is likely that his focus of attention was on what was happening inside the vehicle and perceptual narrowing, sometimes referred to as tunnel vision, is commonly reported by officers involved in shootings (Klinger & Brunson, 2009).

Conclusion:

Based on an in-depth review and analysis of the reports, documents, photographs, and statements along with the video and audio evidence submitted to me for review; it is my opinion that Trooper North's decision to use deadly force in this case was in direct response to a perceived and articulable deadly threat posed by Mr. Soulemane. Trooper North's statements are supported by the available video, audio, physical and forensic

evidence and consistent with the research on human performance and behavioral science. In addition, based on my training and experience, Trooper North's decision-making and actions up to the point of the shooting were reasonable based on the information available to him at the time and the circumstances he was presented with.

Right to Amend:

I reserve the right to amend this report. It is my understanding that additional materials may be in the process of being produced or may be requested later. I reserve the right to submit a supplemental report should any subsequent information be produced that may materially affect or alter any of these options.

Respectfully,

Paul L. Taylor

Paul L. Taylor, PhD
Force Review Group, LLC

Re: Trooper B. North #450 OIS, Connecticut State Police, Troop G.

Case No.: N/A
Report No.: N/A
Incident Date: January 15, 2020
Trial Date: N/A

EXPERT REPORT; USE-OF-FORCE AND VIDEO EVIDENCE REVIEW

DATE: September 30, 2021

TO: Michael Gailor, Esq.
State of Connecticut
State's Attorney
Middlesex JD
One Court Street
Middletown, CT 06457

CASE TYPE: Expert Review – Investigative Analysis

1. OVERVIEW & INTRODUCTION

I am an expert in police performance dynamics as they pertain to use-of-force decision-making and action/reaction timing and Forensic Video Review and Examination. A summary of my qualifications is included below, as well as in my curriculum vitae (CV).

I have officially been retained in this matter. This report has been prepared pursuant to a direct request by the State of Connecticut for a third-party review of the evidence in this case, including the video/audio evidence obtained from the involved Troopers' body and dash cameras. I was asked to determine whether Trooper North's use of deadly physical force was reasonable in light of the circumstances presented in this case.

Included in this report are my findings based on a review of the audio and video information and the other evidence presented. In this report I will render opinions and conclusions regarding the reasonableness of Trooper North's actions with specific regard for police performance dynamics as they apply to the decision-making process of a reasonable police officer in the circumstances confronting Trooper North in this case.

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2. PURPOSE AND SCOPE OF THIS REPORT

The purpose and scope of this report is to document my conclusions after a review and analysis of the incident related to the use-of-force against Mubarak Soulemane. Additionally, this report documents the procedures utilized to create demonstrative PDF and video exhibits associated with the above-captioned case. This review included the construction of annotated PDF and synchronized digital video examples identifying actions and positions relevant to the referenced event.

3. SUMMARY OF FACTS

This summary is provided for convenience and does not necessarily itemize every fact relied upon by this expert in the formation of my opinions and conclusions in this matter. It is based on my review of the records and materials identified herein below. I do not contend to have direct personal knowledge of the incident facts.

There are hyperlinks within this report that direct you to the particular sections where the statement is referred to in this report for convenience. The hyperlinks appear in a different type color and are underlined.

The use of force which is the subject of review in this case occurred during a January 15th, 2020, encounter between Mubarek Soulemane and several police officers including, Connecticut State Police Trooper Brian North (Trooper North), Trooper Joshua Jackson (Trooper Jackson), and Officer Robert Rappa (Officer Rappa).¹ The incident that gave rise to the use of force began in Norwalk where Mr. Soulemane displayed a knife in a store and, subsequently, stole a car and ended at Campbell Avenue just off of I-95 in West Haven where Mr. Soulemane crashed into another car. During the encounter in West Haven, Trooper North discharged his weapon at Mr. Soulemane, thereby causing his death.

On the incident date, Trooper North heard a broadcast that the Norwalk Police Department was in pursuit of a stolen white Hyundai Sonata with Connecticut license plates AS21103.² Trooper North did not initially join in the pursuit, but was monitoring communications from Troop G dispatch and Trooper Brian Pagoni #1108, who was following the pursuit. Ultimately, information was relayed to Trooper North and other officers that the vehicle was taken in a carjacking, the suspect was armed with a knife, had threatened an individual with the knife, and was driving recklessly thereby putting innocent motorists at risk. As information of the suspect's location was updated by Troop G (dispatch) via DOT traffic cameras, Trooper North began looking for the vehicle. Trooper North's emergency lights were activated. Trooper North attempted to impede Soulemane by driving in front of Soulemane (driving the white Hyundai Sonata with Connecticut license plate AS21103) Soulemane then passed Trooper North. Trooper North initiated a pursuit, during which, Soulemane was travelling at speeds over 100 MPH, driving recklessly and posing a continued threat to the public and officers.

During the pursuit, Troopers Jackson and North attempted to box the vehicle in.³ Soulemane sped up, ramming the rear fender of Trooper Jackson's vehicle and the driver's side front of Trooper North's vehicle.⁴ Soulemane avoided being stopped and continued to drive recklessly. Soulemane exited the freeway and made it onto Campbell avenue in the City of West Haven, where Soulemane collided with a vehicle driven by a citizen driver who was otherwise uninvolved. After the collision, the stolen vehicle Soulemane was driving was still running,

¹ A number of other officers, including Troopers and officers from the Norwalk and West Haven Police Departments, were involved in the entire incident that began in Norwalk and ended in West Haven. The officers identified were most directly involved when the force that resulted in Mr. Soulemane's death was used.

² Brian North Statement.pdf

³ A tactic commonly used to surround a vehicle and slow, bringing the suspect vehicle safely to a lower speed and eventual stop.

⁴ Supra, Page 3, Joshua Jackson Statement.pdf, Page 2

operational and appeared to be in gear. Troopers Jackson and North, as well as officers from the West Haven Police Department, including Officer Rappa, arrived on the scene shortly thereafter.

As the officers approached the car, Soulemane was ordered out of the vehicle by Trooper Jackson, yet, did not exit. In an apparent attempt to gain access to the interior of the vehicle, Officer Rappa began striking the passenger side front window. While Officer Rappa was striking the window the window, Trooper North instructed Trooper Jackson to go to his Taser. After several strikes, the window broke at which point Soulemane began moving inside the vehicle and then reached in his pockets and armed himself with the knife, which is pictured below.⁵ After the knife was pulled, Trooper North, while standing outside the driver's side window, fired his service weapon seven times, hitting Soulemane. Ultimately, the knife was removed from Soulemane's lap and he was removed from the vehicle. Officers on-scene immediately rendered aid to Soulemane.

A. Summary of Key Facts and/or Record/Evidentiary Citations.

The following facts or records contained here in held particular significance to my analysis.

1. Case facts Considered in this Analysis

The following facts and circumstances were known by Trooper North and other officers involved in the apprehension of Soulemane. These facts were considered in the review and analysis of this case. Please note; only information known to the officer or information that should have been known to the officer at the time of the use of force is considered in this analysis. This analysis is not intended to determine *what* the Trooper or the Officers involved "*could have*," or "*should have*" done differently, given the totality of facts and circumstances known to the officers at the time the force was used. Rather, this review of the evidence and identification of irrefutable facts is to determine whether the force used was appropriate and reasonable under the circumstances, related to performance factors and the established policies of the Connecticut State Police. Additionally, this review of the evidence and identification of irrefutable facts serves to determine if Trooper North's described belief of an articulable deadly threat was reasonable and consistent with the data reflected in this incident.

2. Facts:

The following list of facts are irrefutable and are supported by other data:

- a. Fact: Trooper North is a Sworn Law Enforcement Officer in the State of Connecticut.

⁵ Visible on video evidence and consistent with statements made by Trooper North.

- b. Fact: Troopers North and Jackson were wearing Connecticut State Police duty uniforms with CSP patches, badge and firearm.
- c. Fact: Troopers North and Jackson were operating marked Connecticut State Police patrol vehicles with activated emergency red and blue lights, and sirens during their pursuit of Mr. Soulemane.
- d. Fact: Troop G broadcast information of a pursuit involving Norwalk PD and a stolen white Hyundai Sonata with an armed subject; Troopers North and Jackson heard the broadcast.
- e. Fact: Trooper North heard Trooper Pagoni in the pursuit with Norwalk PD until Pagoni was told to terminate.
- f. Fact: Troop G continued to broadcast updates concerning the direction, speed and location of the stolen Hyundai.
- g. Fact: Troop G broadcast that the vehicle was taken in a car-jacking and that the subject who took the vehicle was armed with a knife.
- h. Fact: Troop G's broadcasts indicated Soulemane was driving recklessly, immaterial of whether he was being pursued, and represented a danger to the public.
- i. Fact: Soulemane continued to evade officers' attempts to intercede during the pursuit.
- j. Fact: Soulemane struck both troopers' vehicles and continued to evade.
- k. Fact: Soulemane collided with a vehicle driven by a citizen, where the pursuit ended.
- l. Fact: Soulemane remained in his vehicle and was non-compliant.
- m. Fact: Troopers Jackson and North approached the vehicle with the assistance of West Haven officers. The driver's side door was blocked, however, the passenger side was not obstructed.
- n. Fact: Trooper Jackson ordered Soulemane out of the vehicle. Soulemane remained non-compliant.
- o. Fact: Trooper North stood at the driver's door, providing lethal coverage of Soulemane.
- p. Fact: Trooper North tells Trooper Jackson to transition from his firearm to his Taser. Trooper North visually indicates to Trooper Jackson to arm himself with the Taser. Trooper Jackson transitions to his Taser.
- q. Fact: Trooper North assumed the primary responsibility for providing lethal cover since Trooper Jackson was now providing less-lethal cover with his Taser.
- r. Fact: Officer Rappa broke the front passenger side window.
- s. Fact: Soulemane begins to move, reaching for a knife.
- t. Fact: Trooper North disengages the safety on his weapon, only after Soulemane starts moving.
- u. Fact: At no point does Soulemane attempt to surrender.
- v. Fact: Trooper North's body worn camera audio captures the statement, "He's reaching!" "He's reaching!"⁶
- w. Fact: Soulemane armed himself with a knife while officers were approaching the vehicle.
- x. Fact: Soulemane is removed from the car and rendered aid by officers on scene.

⁶ Brian North BWC.mp4 at 10:30.000

3. Radio Traffic: Key Cites.

In this case, the radio traffic and broadcasts all reflect the dangerous and unpredictable nature of Soulemane while being pursued, and also, when not being pursued.

- a. At 1639 hrs, Troop G broadcast that Norwalk PD was in pursuit of a stolen vehicle.⁷ Trooper B. Pagoni #1108 was briefly involved in this pursuit and provided updates.
- b. Troop G broadcast updates of the vehicle's erratic and dangerous driving when no officer or troopers were in pursuit.⁸
- c. Troop G broadcast that the vehicle was taken in a carjacking and that the subject was armed.⁹
- d. Trooper North stated that he heard each of these transmissions.¹⁰

4. Officer and Subject Contact; (probable cause) Officer Commands and Warnings.

The pursuit of Soulemane and his apprehension by Trooper North and other officers was related to a series of crimes, including his displaying a knife, striking an Uber driver, stealing his car, driving reckless to avoid arrest, and endangering the public. Trooper North was on duty and had full jurisdiction as a sworn law enforcement officer in the State of Connecticut to enforce the laws of the state and pursue the lawful goals and objectives related to this event.

At the time Trooper North first came into contact with Mr. Soulemane, probable cause existed for the arrest and detainment of Soulemane for several crimes, including threatening, larceny of a motor vehicle, and reckless driving, based on the events that occurred in Norwalk and on the highway prior to Trooper North's involvement in the pursuit. The information relayed to Trooper North about those crimes, particularly that Mr. Soulemane was armed with a knife, had committed a carjacking and was driving recklessly on the highway, was sufficient to cause Trooper North, as well as the other officers involved in the encounter, to have a reasonable belief that Mr. Soulemane had committed violent crimes, was still armed, and remained a threat to others. Trooper North's belief in this regard would only have been heightened by his own observations of Mr. Soulemane's actions, including watching Mr. Soulemane intentionally strike both Trooper North's and Jackson's vehicles.

Soulemane was a continuous threat to the officers and the public due to his malevolent

⁷ Troop G [Bridgeport] 911 Radio Transmissions.pdf, Page 1, Call ID #4394696

⁸ Supra, Call ID 4394708 - 4394713

⁹ Supra, Call ID 4394728

¹⁰ Brian North Statement.pdf, Page 2.

actions while being in control of a motor vehicle, being armed, and remaining non-compliant. Soulemane had room to maneuver the vehicle, after it had come to rest after striking the citizen's vehicle on Campbell Avenue, and made the decision to *not comply* with officer's commands. The only reasonable option available for officers in stopping the threat posed by Soulemane was to move to contact, subdue and control him. Based on this, it was reasonable for Trooper North, from his perspective, to believe the Officers were moving to contact Soulemane, and to remove him from the vehicle. Trooper Jackson's and Officer Rappa's actions, i.e., moving toward the vehicle and breaking the windows to gain access, were consistent with a need to control Soulemane. As they (Officers) broke the window to gain access to the vehicle, Trooper North observed the weapon in Soulemane's right hand. As officers moved to contact and to remove Soulemane from the vehicle, Trooper North reasonably believed the officers were in danger of substantial bodily harm or death. From Trooper North's perspective, Trooper Jackson was moving toward the vehicle and Officer Rappa's head dropped below the roof line and out of sight as *he* moved toward the vehicle. Under these circumstances it was reasonable for Trooper North to believe the officers were moving to contact to subdue and control Soulemane. Trooper North had a vantage point to see the knife as Soulemane was turning towards Trooper Jackson, with the knife in hand.

Soulemane was a danger to the public and officers being left in control of the vehicle. Soulemane was also a danger to the officers as they were attempting to control Soulemane. This reasonable belief, supported with visual confirmation, established a verifiable immediate threat to the lives of officers on scene.

Trooper Jackson ordered Soulemane to get out of the car. This was captured on Trooper North's body camera,¹¹ and cited in his statement.¹² Soulemane did not appear to comply with the commands being given by Trooper Jackson, nor did he take any action that appeared to signal an intention to comply.

Soulemane presented a knife as Trooper North covered the driver's side of the vehicle with his duty weapon presented. Trooper North was specifically providing lethal coverage as other officers attempted to move to contact and to subdue, detain and restrain Soulemane. The behavior of Soulemane was assaultive, violent, aggressive and unpredictable. Trooper North's perspective and reasonable belief, based upon the context of the incident, was that Soulemane was a deadly threat to the officers. Soulemane had the opportunity and ability to use deadly force on the officers who Trooper North believed were attempting entry into the vehicle.

¹¹ Brian North BWC.mp4 @ 09:59.

¹² Brian North Statement, pdf, page 4, last paragraph.

Souleman could have attacked the officers in fractions of a second as they moved to control him. There was no indication that Souleman was going to comply in this compressed situation. In general, a warning is intended to place a suspect on notice that there are consequences that directly correspond to their actions, or inactions. CSP policy states:

Warnings shall be given

(1). Verbal warnings

*Whenever it is reasonable and feasible and doing so will not unreasonably increase the risk of injury to the trooper or any other person, a verbal warning shall be given before a shot is directed towards any person.*¹³

Considering this time compression, and the focus of attention stated by Trooper North, warnings and commands would not have been feasible.¹⁴

In addition to time not permitting a verbal warning, Souleman could have made the decision at any time to acquiesce to the intentions of the officers that were clearly stated by officers throughout the incident. At the moment force was used, Souleman had already fled from marked police vehicles with their lights and sirens activated, struck several police vehicles, and was surrounded by law enforcement officers shouting commands. Up to that point, Souleman had not responded to or complied with any of their commands.

5. Plan and Tactics.

Troopers North and Jackson were personally involved in the pursuit of Souleman and observed his driving firsthand. Trooper North attempted to stop Souleman multiple times while on the freeway, with no success. Together, Trooper North and Trooper Jackson attempted tactics such as the boxing in of the stolen Hyundai, resulting in Souleman ramming both Troopers' vehicles to escape. The pursuit ultimately stopped after Souleman crashed on Campbell Avenue. The pursuit, tactics and the actions taken by Troopers were consistent with policy in the vehicle pursuit and "Forced Stop Procedures."¹⁵

Trooper North made decisions based on what he instinctively believed would create the safest environment based on the totality of facts and circumstances unique to the incident. There are no absolute policy parameters or training that can, will, or should override an officer's instinctive decision-making process when faced with the consequences of life and death. There

¹³ CSP A&O 13.04, Use of Force, 13.04.5.C.1

¹⁴ Brian North Statement.pdf, Page 6, first paragraph.

¹⁵ CSP A&O 13.07.01, Vehicle Pursuits, Sections D & K

should not be an expectation by reviewers that policy alone dictates an officers survival in a particular critical environment. Policy is and always has been a guideline designed to provide a pathway for good decision-making. The officer's knowledge base, skill-set, and similar experiences create the safety-based or survival-based decisions officers require to operate effectively in critical incidents. A reasonable officer, facing similar circumstances would have reasonably believed that the other officers were in danger of substantial bodily harm or death. In my analysis, the goal was to identify *why* the decisions made sense to Trooper North. Based on the articulable reasons stated by Trooper North, I understand the decisions made and why those decisions made sense to Trooper North. My opinion is that the use of deadly force was well articulated, consistent with statements and other evidence and appropriate based on Trooper North's reasonable belief that an imminent deadly threat existed . This opinion is based on the totality of information known by Trooper North at the time of the incident.

It is through an objective lens that we must view and account for tense, uncertain, and rapidly evolving, circumstances that officers on scene were experiencing. Officers are not required to make a perfect decision, only a reasonable decision supported by the officers' reasonable belief and the evidence associated with those beliefs. Please note: each critical incident is unique and likely has not been specifically trained for. Officers are trained in general principles, and to the best degree possible, officers attempt to apply those principles in the scenario they are currently handling.

Trooper North stated that he believed officers were going to enter the vehicle.¹⁶ The belief that officers intended to forcefully enter the vehicle to remove Soulemane was a viable and realistic one. First, there was a need for the officers to remove Mr. Soulemane from the vehicle quickly. Because the car was still in gear and he was not completely boxed in, he still presented a danger to the officers and others in the area. Second, because the positioning of Jackson's car prevented access through the driver's side, entering through the passenger side was the only way to access and remove Mr. Soulemane from the vehicle.

As can be seen in the videos, both Trooper Jackson and Officer Rappa attempted to open the passenger side door using the door handle but were unable to do so. This left breaking the passenger side window to access the door locks as the only way of gaining access to the interior of the car and Mr. Soulemane through an open door. Under the circumstances, then, the actions of the officers in breaking the window to disengage the door locks and enter the car was a viable tactic.

Trooper North was in position to witness the attempts by Jackson and Officer Rappa to gain access to the interior of the vehicle and, therefore, had reason to believe that they were

¹⁶ Brian North Statement.pdf, Page 5, Final sentence.

going to enter the vehicle. His belief that they were going to enter the vehicle was confirmed by the movement of Trooper Jackson toward the car after the window was broken and the lowering of Officer Rappa's head below the roof level.

In this case, Trooper North indicated that when he did not see Officer Rappa, he believed Officer Rappa had entered the car through the window. While entering a vehicle through an open window is not ordinarily practiced, it is imperative to assess the reasonableness of Trooper North's belief from his perspective as the shooting officer. It is Trooper North's perspective, thought process, and actions that must be evaluated in order to determine if they ultimately meet the standard of the reasonableness as it relates to the application of deadly force. Heree, Trooper North North saw Officer Rappa taking affirmative steps to gain access to the interior of the vehicle. Accordingly, when he did not see Officer Rappa, it was reasonable for him to believe that Officer Rappa had entered the vehicle. Trooper North also had to be concerned about the safety of Trooper Jackson who he saw approaching the side of the car.

It should be noted that neither Officer Rappa nor Trooper Jackson had to be fully in the vehicle to be at risk of being seriously injured with the knife being held by Mr. Soulemane. Even if either had simply reached into the vehicle to unlock or open the door he would have been at risk of being stabbed in the arm, neck, or face. It would only have taken a fraction of a second for Soulemane to reach the passenger side door with the knife and stab or cut an officer with the knife. The actions of Trooper North do align with the video evidence related to movements, decision-making, and time compression.

Trooper North's belief that Officer Rappa was entering the car is consistent with Officer Rappa's initial statement in which he indicated his intentions were to remove Soulemane from the vehicle. One cannot remove someone from a vehicle without first entering the vehicle. While, in a subsequent interview, Officer Rappa stated that he did not intend to enter the vehicle.¹⁷ The situation must be viewed from the perspective of Trooper North at the time of the incident. The actions of Officer Rappa and Trooper Jackson were sufficient to cause a reasonable police officer to believe that Officer Rappa had entered the vehicle and, therefore, was at risk of serious physical injury. The observed threats from the perspective of Trooper North did align with the movements and the probable actions of Officer Rappa. And, under the compression of time, there was a split second to make the decision and act in an effort to protect Officer Rappa. In his report written on 03-11-20, Officer Rappa states.

*I wasn't certain if the operator was injured or under the influence of alcohol or drugs. The vehicle's ignition was still on and there was a sufficient amount of space between all of the vehicles so as to allow the operator to flee. **For everyone's safety, I***

¹⁷ Meeting with WHPD Robert Rappa.pdf

*wanted to remove the operator from the vehicle and had already observed the Trooper on the passenger side of the vehicle attempt to open the passenger side front door using the door handle with no success. I then attempted to break the Hyundai's front passenger window with a glass breaking device, that my knife is equipped with, but was unsuccessful.*¹⁸

In both his initial statement and subsequent interview, Trooper Jackson stated that he did intend to enter the vehicle. In his initial statement, Trooper Jackson made the following statement concerning the circumstance and Officer Rappa;

*I holstered my duty weapon and drew my issued duty Taser. I then positioned the red dots of the Taser onto the operator of the white Hyundai Sonata and deployed the Taser. At this time, I was within a foot or so of the vehicle and intended to extricate the operator while the operator was under the control of the Taser per the training that I received. The West Haven Officer was also very close to both me and the suspect's car and he was headed towards the door of the suspect's car.*¹⁹

The importance of the above citations is not to impugn the integrity of Officer Rappa, but to exemplify his actions were interpreted accurately by Trooper North based on Officer Rappa's initial statement. Trooper North could only react to the probability that officers were in danger based on their movements, and, the fact that Soulemane possessed a knife and was turning towards them. Trooper North relied on his training and experience and the need to quickly interpret the actions of Trooper Jackson and Officer Rappa.

As a tactic, the breaking of the window was purposeful based on the lawful goals and objectives of the officers. Whether to establish a line of communication, or to be able to open the door to forcibly extract Soulemane, the breaking of the window was a legitimate step for officers. Shortly after the window had been broken, Soulemane escalated the contact by arming himself with a knife.

4. EXPERT ANALYSIS, OPINIONS, AND CONCLUSIONS.

Based upon the records and evidence in this case, and other files listed within this report, and based on my background, training, education, and experiences, these are the opinions I have rendered thus far in this matter:

¹⁸ Off Robert Rappa WHPD.pdf, Page 3

¹⁹ Joshua Jackson Statement.pdf, Page 2, Para 4

A. Executive Summary of Opinions.

1. **Opinion - Summary.** It is my overarching opinion that decisions made by Trooper North to use force; both deadly force (shots fired), and non-deadly force, were dictated by the unpredictable, assaultive, aggressive, and violent actions of Soulemane. Trooper North made decisions based on a reasonable belief that Trooper Jackson and Officer Rappa, other officers and the community were in danger of an immediate and future threat posed by Soulemane should he have escaped. These dangers were observable and real based on Soulemane's actions and the fact that Soulemane was believed to have committed violent crimes, was brandishing a knife and was resisting apprehension with a deadly weapon.

2. **Opinion - Crime of Violence.** Trooper North had a reasonable belief that Soulemane had committed a violent felony and was endangering the public. North had been advised that Soulemane committed a carjacking and was armed with a knife. Carjacking's generally involve the taking of another's vehicle with the threat or actual use of force and can include the use of a weapon. In the context of policing, the violent crime of car-jacking is considered a low frequency occurrence. However, the commission of this crime signifies that the suspect is willing to use force and has the capacity for extreme violence.

3. **Opinion - Pre-Existing Information.** Troopers received information that the white Hyundai Sonata was stolen in a carjacking, that the suspect was armed with a knife, that he would not stop for the police, and was endangering the public. It is my opinion that this information is a component of the decision-making process in a critical incident where the consequences of life and death are present. Information provided by another jurisdiction, especially information relayed in the middle of an investigation or an in-progress incident, is relied upon and assumed to be reasonably accurate by the receiving jurisdiction. Please note: The decisions made by Trooper North were not made on the presumption of a threat based on pre-existing knowledge and experience related to the event. Trooper North made decisions based on the behavior of Soulemane, the visual confirmation of the knife, and the reasonable belief that officers were attempting to remove Soulemane from the vehicle.

4. **Opinion - Policy at the time of the incident.** It is my opinion that Trooper North acted within the parameters of existing policy and procedures put in place by the Connecticut State Police at the time of the incident. The pursuit, the tactics applied in an attempt to stop the fleeing

vehicle, and the use of deadly force to stop the threat posed by Soulemane were consistent with the associated Administration and Operations Manual.^{20/21}

5. **Opinion – End of Pursuit.** It is my opinion that the end of the pursuit was not a choice or decision being made by Soulemane to comply. The end of the pursuit was due to an unintended collision that occurred during the officers' attempts to intercede in the unpredictable and violent behavior of Soulemane. Although the pursuit had become stationary, Soulemane was still a danger to the public and the officers involved. Soulemane was still in control of a motor vehicle that could escape, placing the public and officers in immediate danger. At the *apparent* end of the pursuit, the officers' decisions and actions were predicated on the behaviors, decisions and actions of Soulemane.

6. **Opinion – Officer Assessment.** It is my opinion that Trooper North was in constant assessment of Soulemane's behavior in a rapidly evolving, tense, uncertain and unpredictable environment. Trooper North made the decision to use deadly force. However, this decision was not made solely on a *reasonable belief* that Soulemane possessed a knife, or that his previous behavior was violent and unpredictable. Trooper North, while assessing the rapidly evolving scenario, made decisions based on the actual behaviors of Soulemane. Trooper North showed sound judgement and concern for Soulemane when directing Trooper Jackson to use his Taser. This would allow Troopers to react quickly should the opportunity arise to quickly de-escalate the situation by Tasing Soulemane. However, the circumstances changed rapidly when Soulemane made the decision to present the knife while officers were attempting to remove him from the vehicle. Trooper North was responsive to the decisions made by Soulemane, under the compression of time. Trooper North reasonably believed the use of deadly force was his only option to protect the other officers from the deadly threat posed by Soulemane.

7. **Opinion – Trooper North served as the Cover Officer.** Trooper North assumed responsibility for the safety of Trooper Jackson and Officer Rappa. Once he told Trooper Jackson to go to his Taser. Trooper North assumed the role of cover officer.^{22/23}

8. **Opinion – Use of Less Lethal (Taser).** A Taser is an imperfect weapon and often fails for a variety of reasons. Trooper North specifically mentioned Trooper Jackson's proximity to Soulemane, a necessary consideration when deploying the Taser due to the way the probes on the Taser spread apart vertically when they are fired. A successful deployment would have

²⁰ CSP Administration and Operations Manual (Policy) 13.07.01 Vehicle Pursuits; 13.04.1A Use of Force

²¹ See extended opinions and analyses section 4 - B page 14 of this report

²² Brian North Statement.pdf, Page 5, final para

²³ A cover officer closely monitors the scene for threats, deadly or otherwise, while other officers engage with associated tasks.

translated to the Taser being close enough for the probes to clear the door frame, yet far enough to allow the probes to sufficiently spread, a requirement for neuromuscular incapacitation. While the use of the Taser ultimately failed, it was nonetheless an attempt by officers to de-escalate the situation.

9. **Opinion – Threat Cues.** It is my opinion that the stated perceptions of Trooper North were consistent and accurate with the supporting facts derived from video, physical, and forensic evidence from the scene. Additionally, the subsequent decisions based upon the stated perceptions were consistent with the policy standards of the Connecticut State Police, and generally accepted police practice in the United States regarding a deadly force response. Trooper North's statement regarding his perception:

The suspect held the knife in his right hand, in a closed fist, at a 90 degree angle with his body. The knife was held with the tip of the blade facing up towards the roof of the suspect vehicle, and the serrated edge facing towards the front of the vehicle in the direction of the front windshield. While the suspect held the knife in his right hand, he began abruptly moving in the driver's seat. I quickly took my eyes off the suspect and looked in the direction of Tpr. Jackson and the West Haven Officer. I saw Tpr. Jackson quickly advancing towards the open passenger window, and I could not see the West Haven Officer anymore. This led me to believe that the West Haven Officer had already begun to enter the suspect vehicle to take control of the suspect. I immediately looked back at the suspect and saw that he still had the knife in his hand, and he was making furtive movements. The suspect was moving and holding the knife in an aggressive manner, and appeared to me to be preparing to attack either Tpr. Jackson or the West Haven Officer. Based on these circumstances, I believed that Tpr. Jackson and the West Haven Officer were at imminent risk of serious physical injury or death, and could have been stabbed in the neck or face as they attempted to enter the vehicle and remove the suspect. As a result, I discharged my duty firearm to eliminate the threat.

10. **Opinion - Performance Factors.** It is my opinion that at the moment the shots were fired, Trooper North had made the decision to shoot based on the actions of Soulemane, and also, based on his perception that Trooper Jackson and Officer Rappa were facing an immediate deadly threat from Soulemane. This decision was made under the compression of time, in tense, uncertain, and rapidly evolving circumstances.²⁴

11. **Opinion - Documented Training.** It is my opinion that Trooper North's actions were consistent with policy and training and reasonable given the tense, uncertain and rapidly evolving encounter. The documents provided show Trooper North's training beginning in May of

²⁴ Time-Line Analysis, page 25 of this report.

2016, though he was hired in January of 2015.²⁵ In consideration of Trooper North's documented training with the Connecticut State Police, accepted police practices and existing [policy](#), reported information at issue, police performance dynamics and suspect/officer interaction and movement dynamics, Trooper North's use of force (including the decision as to when to initiate the use of deadly force), was *consistent* with his perception of an immediate threat to Trooper Jackson and Officer Rappa, other officers and the community. Furthermore, Trooper North's actions were driven by the context of the event and the immediate need to stop the threat posed by Soulemane.

12. **Opinion: Use of Deadly Force.** A peace officer's decision to use force also has to be objectively reasonable and for a lawful purpose.²⁶ In the process of the lawful duty of a peace officer, and in the context of responding to a critical incident where a perceived violent offender has a weapon in their possession, Trooper North intervened, exercising the duty to protect Trooper Jackson, and Officer Rappa. Trooper North articulated what he perceived to be an immediate and deadly threat to officers. All of these elements were present in this situation, which are the defining reasons for the application of deadly force.

13. **Opinion - Professionalism.** It is my opinion that Trooper North, the other members of the Connecticut State Police and all officers on the scene showed the highest level of professionalism in attempting to stop Soulemane on the roadway, attempting to use less-lethal options as the opportunity presented itself, and quickly administering life-saving efforts after the use of deadly force in an attempt to save the life of Soulemane.

B. Extended Analyses, Opinions, and Conclusions.

1. **Analysis of Movement and Time Compression.** In an attempt to identify the movements and the succession of movements between Trooper North, Trooper Jackson, Officer Rappa, and Soulemane, a frame-by-frame analysis has been conducted and focused on the time and circumstances regarding Trooper North's use of deadly force. Additionally, a timeline was developed from the [audio source](#). It is my conclusion, based upon the analysis herein, that Trooper North's actions were carried out in response to the deadly threat of a knife attack against Trooper Jackson and Officer Rappa, and additionally, in response to the unpredictable, consistently non-compliant and violent behavior of Soulemane to include his alleged carjacking, his persistent failure to yield for Troopers, his ramming of law enforcement

²⁵ Brian North Training Curriculum.pdf

²⁶ The calculus for objective reasonableness is not a majority standard, i.e., not ten out of ten officers making the same decision; but conversely, the reasonable belief as stated based on the context of the contact being observed by another reasonable *person* with the same or similar training perceiving the threat as real based on the totality of the circumstances.

vehicles, and finally, arming himself with a knife and brandishing it at law enforcement officers.

Under the compression of time, Trooper North was making decisions to react and respond at the time of the use-of-force, based on his perceptions of Soulemane's actions and the dynamic movements of Trooper Jackson and Officer Rappa. Time compression does not allow for the analytical problem-solving model trained in non-critical incidents. In a critical incident, when decisions are being made, it is important to remember that these decisions take time, and these increments of time must be recognized and considered in the reconstruction and the analysis of this force incident. I have identified the window of time where the decision and action have occurred, and confirmed the account of the threat cues perceived by Trooper North.

Time compression played a role in the decision-making process and is largely dependent on the information being perceived by Trooper North. Trooper North had information Soulemane was armed and had begun to reach toward officers who were approaching the passenger side of the vehicle. At approximately the same time, Officer Rappa's head dipped below the roof of the car as he moved toward the vehicle (video perspective).

Summary of Movement Analysis. Movements *are* visible in this video evidence. Based upon the statements and other supporting data, there is consistency between data that is available on video, physical evidence from the scene and statements made by Trooper North. With regard to time, speed and motion, the analysis of movements from the perspective of the BWC validate the movements identified by Trooper North regarding the dynamic advancement of Trooper Jackson and Officer Rappa toward the vehicle. Additionally, the video depicts the movements of Soulemane, however, these particular movements are visible by the camera lens *after* they are potentially observed by Trooper North. Trooper North has a perspective from a higher vantage point, considering the camera is approximately 12 inches below his own line of sight. This means the visible data from the camera's perspective is not the same as the information Trooper North could have been processing.

2. **Movement Dynamics and Threat Stimulus Analysis.** As depicted in the movement analysis above, movements and actions by Soulemane preceded any responsive actions by Trooper North. Those movements are depicted in the video evidence.
3. **Officer's Training, Experience and Policy: Impact on Performance Dynamics.** Trooper North used tactics consistent with effecting the arrest of a violent, resistant, and unpredictable person. Additionally, Trooper North used deadly force in a manner consistent with benchmark training in police decision-making and consistent with Connecticut State Police policies regarding Use-of-Force and Pursuit Driving. All of the chosen force options and actions as

reviewed post incident fell within the policy (A&O) of the Connecticut State Police.²⁷ The following Use-of-Force Matrix outlines the core of my analysis regarding the actions of Trooper North. My analysis incorporates the applicable sections of the matrix and aligns with my opinions and conclusions in this incident.²⁸

- a. *All legitimate uses of force in a law enforcement or custodial setting are ultimately justified by an articulable need to exert some level of control over another person.*
- b. *It is the subject's actions which dictate the quality and quantity of force used by an officer in response thereto in order to exert control.*
- c. *The need to exert control over another person in a law enforcement or custodial setting is often characterized by rapid and unpredictable changes requiring the officer to continually reassess a subject's actions as well as his or her response to those actions.*
- d. *A proper application of force in any given set of circumstances is as much influenced by the quality of the force applied, and by the timeliness with which it is applied, as it is by the quantity of force applied.*
- e. *The decision to use force in a tactical environment is not progressive in nature. Rather, the use of force inquiry focuses on the reasonableness of the force options actually employed.*
- f. *The use of force inquiry focuses not on what the most prudent course of action may have been, but instead whether the seizure actually effectuated falls within a range of conduct which is objectively reasonable. There exists no legal requirement to choose the one "correct" means of gaining control over a subject through the use of force.*
- g. *The appropriateness of a use of force decision is properly judged on the basis of the reasonableness of an officer's perception of the subject's actions with which he was confronted at the time he made the decision to use force rather than upon absolute fact.*
- h. *The appropriateness of a decision to employ a particular tool in response to a perceived threat depends on the degree of control which is reasonably likely to result based on all of the circumstances known to the officer at the time the tool is employed.*
- i. *The degree of force which can be appropriately used to respond to a threat increases proportionally in relation to the degree of threat reasonably perceived by an officer, and to the immediacy of the response required.*
- j. *The reversibility of a decision to use force is inversely proportional to the degree of force employed.*
- k. *The greater the degree of force employed, the more likely it is that (a) physical injury will result, and (b) the resulting physical injury will be serious in nature.*
- l. *The greater the probability of injury to a subject, the greater the potential for liability to the officer. The greater the probability that a particular technique will result in officer control, the greater the advantage for the officer.*

²⁷ Use of Force Matrix.pdf, CSP A&O 13.4.5

²⁸ Sections J, K, and L, in this report (10,11,12 in the Matrix document) are administrative and not based on incident factors.

4. **Opinion: Police Tactics.** It is my opinion, based on the video evidence and statements made by the officers involved, that the tactics used by Trooper North were sound, purposeful and consistent with the context of the incident. Additionally these tactics were performed within the guidelines of policies and training in place at the time of the incident.²⁹ Contact and cover is proper police procedure and is generally the standard in most agencies. CSP policy states:

The CEW is not a replacement for a firearm in instances where deadly physical force is authorized and should not be used without firearm back up when appropriate [emphasis added].

5. **Opinion: Assessment and Decision-Making.** It is my opinion that Trooper North was continuously assessing and responding to Soulemane's actions. Trooper North identified the threat posed by Soulemane as a deadly threat, using all of the contextual cues available to him at the time of the use-of-force on Soulemane. Prior to the incident, the pre-existing information known by Trooper North regarding Soulemane's previous behavior was instrumental in the decision-making process. Although Trooper North was acting on actual threats and verified movements, he was not required to wait for officers to actually be attacked by Soulemane. Considering this, Trooper North was reactive to the actions of Soulemane and made rapid decisions regarding the threat posed by him, i.e., making the decision to use deadly force after visual confirmation of the knife in Soulemane's hand. The following excerpt is from Connecticut State Police Use of Force A&O (Policy):

Justification for the use of deadly force

A trooper is justified to use deadly physical force only in the performance of official duties, as follows:

(1) To defend against the threat of deadly force

A trooper is justified to use deadly physical force against another person when he reasonably believes deadly physical force is necessary to defend himself or a third person from the use or imminent use of deadly physical force (Sec. 53a- 22(c), C.G.S.), or:

(2) To arrest a dangerous fleeing felon

(a) The U.S. Supreme Court in Tennessee v. Garner, 471 US 1 (1985), has established constitutional standards for police use of deadly physical force to prevent the escape of a dangerous fleeing felon.

(b) A trooper is justified in using deadly physical force to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes that:

²⁹ CSP A&O 13.4.5, Use of Force and A&O 13.07.01, Vehicle Pursuits

1. *The person has committed or has attempted to commit a crime involving the infliction or threatened infliction of death or serious physical injury: if*
2. *A warning of the intent to use deadly physical force was given whenever feasible (Sec 53a-22, C.G.S., Tennessee v. Gamer, 471 US 1, 11-12 (1985)).*

6. **Opinion: Threat Cues.** It is my opinion that Trooper North was making decisions based on available information in real-time through effective and constant assessment of tangible threat cues observed in Soulemane's behavior. Trooper North *was not* making decisions solely on the pre-existing information regarding Soulemane and the violent crimes he had reportedly committed. Trooper North personally witnessed Soulemane's reckless driving and disregard for public safety, including his ramming of Trooper North's and Jackson's cruisers, his failure to stop for law enforcement, and the arming of himself while surrounded by law enforcement; furthermore, Trooper North had an articulable and justifiable cause to stop the perceived threat from Soulemane. Trooper North was making decisions based on the safety of Officer Rappa, Trooper Jackson and the citizens in the immediate area. Based upon the involved officer statements, video footage, and information from the involved officers, the Trooper's decisions were being made on the *actual threat being posed* by Soulemane and not potential threats. All decisions were being made in a reactive nature to the actions and aggression of Soulemane. The statements made by officers, and confirmed by the video, are facts that actually occurred in the manner described by the involved officers, which have not been refuted by any other individuals on the scene or any other evidence.

7. **Opinion: Object in hand.**



In this enhanced still image³⁰ derived from the video evidence, a knife can be seen in the right hand of Soulemane. The hand is in a position consistent with holding an object. The knife is later picked up and moved by Trooper North.

8. **CONCLUSION: Re Use-of-Force and Decision-Making.** It is my conclusion, as stated in my opinions in this report, that the decisions and actions of Trooper North were specifically in response to an articulable deadly threat posed by Soulemane. Trooper North's statements are consistent with supportive data; video, audible, physical, and forensic evidence. The overarching circumstance was consistent with Trooper North's described "reasonable belief" that Soulemane's unpredictable and violent behavior was a deadly threat to Officer Rappa and Trooper Jackson, other officers and the community. In my analysis, I am cautious regarding the information available after the fact. This is largely due to the consideration of my own inherent biases such as hindsight bias and confirmation bias, and consequentialism. Amongst those that assess data in hindsight, possessing knowledge of how the event resolves can result in the common failure of finding fault in the actions of the involved where fault *may* not exist. It is paramount to remember the involved officers do not have the luxury of knowing how the event ends prior to the actions taken by the officers. The involved Officers only know that a tragic outcome *is probable* based on the limited information available, and the time compression in which decisions are being made. My conclusions in this matter follow an in-

³⁰ See section 7 of this report [for enhancement procedure](#).

depth review and analysis of reports, documents, photographs, statements, and video and audio evidence submitted to me for review.

5. METHODOLOGY SPECIFIC TO MY INVESTIGATIVE REVIEW AND ANALYSIS.

The methodology I use to examine police-related use of force through a full investigative analysis is explained below. The basic methodology I use has been applied in several dozens of cases that I have reviewed for matters before Federal Courts, State Courts, and administrative agencies.

This section outlines the methodology applied to this review and analysis. My opinion on these issues is from a police performance dynamic/timing and context perspective, related to law enforcement use of force decision-making, with that focus. To the extent that Defendants designate a separate police practices area, I do not expect to offer cumulative/duplicative testimony at trial.

A. General Methodology.

- **Case File: Developing an Understanding of the Facts.** Following a review of the information provided, I develop and state an understanding of the facts. The facts and circumstances are specific and unique for each case, therefore, a document review is conducted, examining all documents for relevance, and to establish facts related to the issue/s cited.
- **Available Video Evidence Review.** A thorough technical analysis is done on any video evidence related to the case and used in the investigative analysis of the case. This process defines the integrity of the digital video file and allows for an analysis to be completed with a clear understanding of the content of the video file, i.e., resolution, frame rate, macro block analysis, file hash, etc. Subsequently, the file is examined and any pertinent information relevant to the issue being examined is then isolated and used to analyze and compare to the officer's statements and other statements related to the incident.
- **Analysis of the Officer's Actions.** A full analysis regarding the actions of the involved law enforcement officers is then conducted. This analysis is based on all relevant evidence, relevant testimony of witnesses, departmental and/or external investigations, physical evidence, and any other relevant information, to determine what the officers did and their own stated justification for *what* they did and *why* they did it.

- **Comparison with Nationally-Accepted Police Training & Practices.** The third step involves comparing what the officer(s) did and why, then applying the objective standard with various police training and accepted police practice. Nationally accepted training and practice include relevant Supreme Court cases; departmental policies and procedures; applicable statewide police training programs/systems; model policies, training, and research from such institutions as the International Association of Chiefs of Police, Police Executive Research Forum, National Criminal Justice Reference Service, Commission on Accreditation for Law Enforcement Agencies, Public Agency Training Council, and the Northwestern University Center for Public Safety.
- **Performance & Movement Dynamics.** In an incident where time, distance, speed and motion are considerations in the decision-making process, an analysis is done using the existing empirical data as a baseline for the scene reconstruction and verification of statements from the involved officers and from witnesses. Some issues considered are: The number of shots fired related to witness accounts and the involved peace officer; and identification of general or approximate positions, distance and time related issues, compared to the peace officer's need to use force. In order to make exact and precise determinations or establish exact micro timelines, regarding time, distance, speed and motion, with respect to a subject's movements during the incident, and/or the interplay between the subject and an Officer during the incident, an investigator must have precise evidence providing information to support statements made by the involved parties. This type of evidence could include video footage, photographs, matching foot prints, etc. This means any evidence to put a specific person in a specific location at a specific point on the timeline. This timeline is then an approximation created with a reasonable degree of accuracy based on the forensic examination of the video and/or other available evidence.
- Supporting this methodology is research of the case documentation, review and comparison of all statements, recorded and transcribed, and existing research data. The methodology is based upon my specialized knowledge, education, training, and experience as a 22-year P.O.S.T. Certified Police Officer, holding an Advanced P.O.S.T. Certificate as a Police Training Sergeant, and performing primary investigations, investigative reviews and analysis of hundreds of officer-involved use-of-force incidents. I am currently instructing, lecturing and consulting internationally in the field of use-of-force dynamics, as well as force investigations and analysis, "Investigative Strategies." Also significant is my continued research and review of police operations and use-of-force incidents as a court recognized subject matter expert in Use-of-Force Dynamics, Police Performance, Training and Forensic Video Examination, and continuing training and studies in the relevant subject matter.

- My opinions in a use-of-force case are carefully and objectively considered on a case-by-case basis. The consideration of many principles must be examined in police use of force incidents. These principles are outlined by the relevant department training, policy, and/or governing case law that is trained departmentally. It is for these reasons that all information and evidence must be carefully considered in every case to form objective opinions and conclusions. I have identified the following principles for consideration in this particular case:
 - Training of the involved Officer.North.
 - Relative experience and tenure.
 - Pre-existing information regarding the incident.
 - Information learned on the scene as the Officer and other peace officers arrived.
 - Information and actions unfolding in real time.
 - Overarching context in which the incident occurred.
 - Physical and forensic evidence available to support or refute statements regarding decisions and claims regarding the incident.
 - Efforts of the Officers to use alternative methods of force prior to their use of deadly force.
 - The apparent demeanor of the officer/s involved in the incident before, during and after the incident.
 - The time available for Officers to assess and evaluate information during the incident.
 - Performance and interval constraints, and limitations the Officers were faced with during the incident i.e., time compression, distance, speed and motion.
 - Efforts of the Officers to use alternative methods of force prior to their use of deadly force.
 - The time available for involved Officers to assess and evaluate information during the incident.
 - Empirical data is cited as a baseline in the consideration of time, distance, speed and motion related to the time compressed decision-making process.

6. SUMMARY OF VIDEO EVIDENCE REVIEW AND FACTS

This initial summary is provided for convenience. It is based on my review of the records and materials identified herein. I do not contend to have direct personal knowledge of the incident facts, only facts derived from documentation and digital video evidence.

Upon receipt, I transferred digital video/audio evidence and related data and documentation. The following files were downloaded and stored on my company hard drive

from two thumb drives supplied and multiple DVD's: The files listed here are the files I have conducted an initial review of:

- Brian North BWC.mp4

A. Summary of the initial review of video evidence.

During my initial review of the digital video/audio evidence available in this case, I identified a number of technical issues that must be considered and require a full analysis of the digital video content.

1. Technical Video Analysis

In the Analysis and examination of the video in this case, careful consideration must be given to technical variables that can introduce errors into the image being viewed within the video content, and that could result in misinterpretation and a misunderstanding of the images by an untrained observer of the compressed video images. Some of the variables I have noted in my video review and analysis include the following:

- Lighting and associated issues.
- Artificial edge patterns that may affect the shape and pixelization of objects.
- Temporal shift in object positioning due to frame prediction.
- Image refresh rates.
- Motion blur caused by speed of movement, and movement of the camera.
- Perspective issues based on the positioning of the digital camera equipment.
- Object location and shape adjusted by lens distortion, i.e. fisheye lens.
- Distance distortion and 2-D versus 3-D perspective.
- Motion perception based on camera position.

All documentation is present regarding the matter of evidence handling where digital video evidence is in question. It appears that the chain of custody and all submission forms are in place and list all evidence submissions and evidence release to include the audit log for each device (camera).

2. Purpose Of The Video Analysis (General)

The above technical issues must be identified and carefully analyzed and then compared to other investigative data. In a use-of-force case such as this one, the Trooper's decision-making process and subsequent actions are heavily scrutinized, and often, compared to relevant training and the Trooper's associated experience. As an expert in the field of police performance dynamics, police use of force and the forensic examination of associated digital video evidence; I have

recognized that the important factors being examined and scrutinized regarding the Trooper's decision-making process are based on time, distance, speed and motion.

- Time; The time the Trooper had to perceive the threat, assess the threat and then make a decision based on the validity of the threat.
- Distance; A consideration that directly affects the time that the Trooper had to perceive, assess, and then react to the threat.
- Speed; The speed of the action, the physical speed of the Trooper's ability to move within the context of the threat being faced at the time. And finally,
- Motion; the manner in which the individuals (officer and suspect) were moving, the manner and the ability regarding the Trooper's decisions and movements in response to the perception of a deadly threat.

The primary issues when considering digital video evidence are based on the factors listed above in section No. 1. Based on those factors, digital video can distort the factor of time, the perception of distance, the appearance of speed and the nuance of motion. Therefore, it is important to complete a thorough investigation of all aspects concerning the Trooper's decision-making and actions. Subsequent to a thorough investigation, forensic and physical evidence can then be compared to the digital video evidence and the Trooper's statements as well as other witness statements. Note: The video cannot be used as standalone evidence regarding the Trooper's reality, perceptions and actual existence within the context of this incident.

3. **Video Examination; Audio Stream, (Time Analysis)**

This analysis captured the streaming audio file. This process helps to identify the frame location at which an identified sound likely occurred and therefore enables a determination of shot cadence, number of shots recorded through the audio encoding process, and micro time-line creation.

The time from the approximate moment Soulemane is seen moving to the right until the time he raises the knife and shots are fired is approximately **2.234 seconds**. The statements made by Trooper North are identified and an associated time frame is identified.

As soon as the window shattered, I saw the suspect's eyes open wide. I also saw the West Haven Officer's head had dropped down below the roofline of the suspect vehicle, and it appeared to me that he was going to enter the vehicle through the window to remove the suspect.

The breakdown illustrates the increments of time over the span of approximately 42.835 seconds. This breakdown quantifies the compression of time that Trooper North was operating

under. This window of time includes the breaking of the window; the stated perceptions, assessments, decisions, reactions, and movements of Trooper North as he navigated this rapidly evolving, unpredictable, dangerous and tense situation. Please note: it cannot be determined *precisely* when perceptions, decisions and actions or reactions occurred, however, the window of time where these things occurred is a viable determination. Below is my transcription of the timeline of the events. The times shown are reasonably accurate to within 10ms.

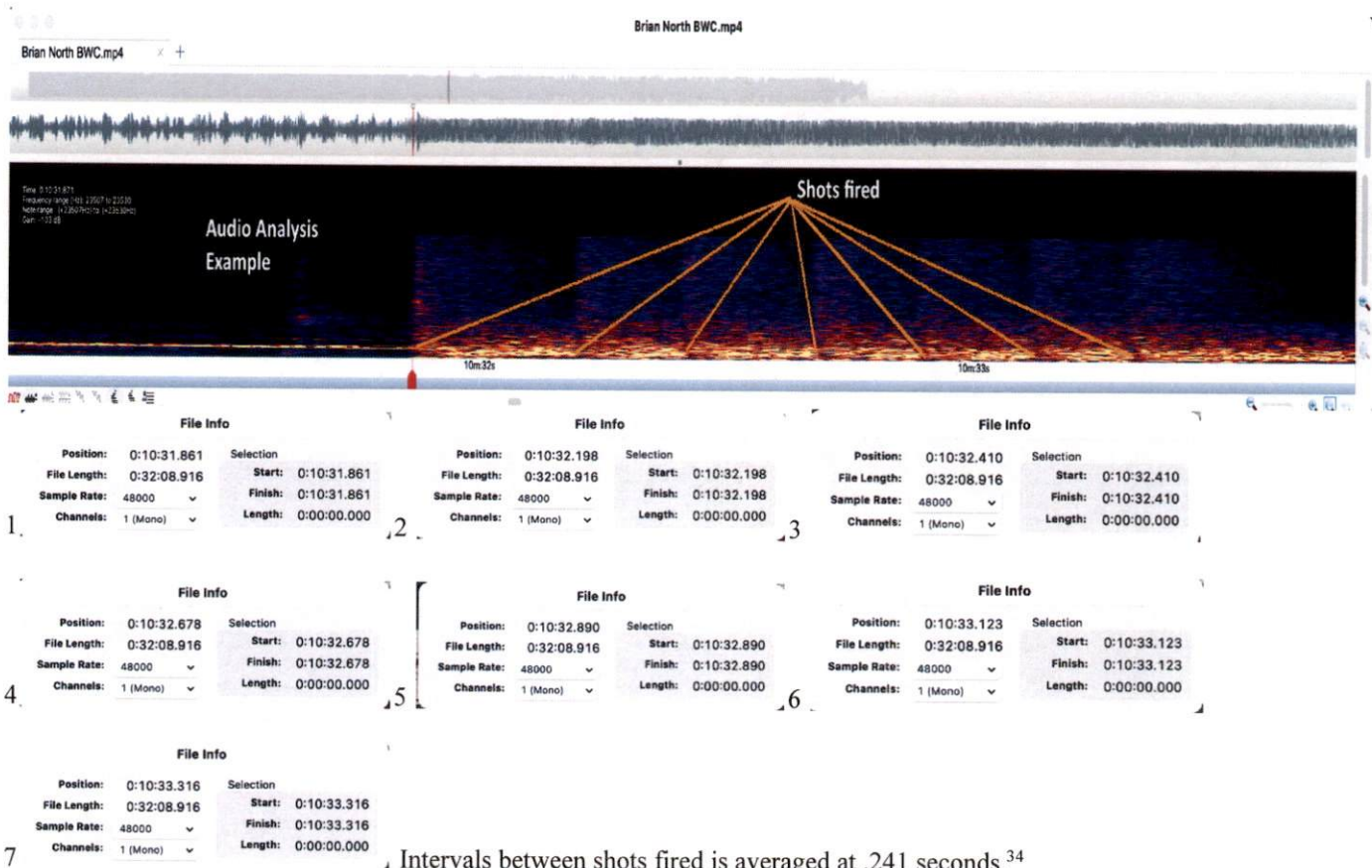
Souleman Timeline

(Audio Stream Transcription)

09:48:495	Souleman can be heard crashing on Trooper North's Body Camera
09:55:594	Trooper North exits his car with his firearm in hand
09:56:825	Trooper Jackson shouts "Get out of the car!"
09:58:957	Trooper Jackson leaves the driver's side as Trooper North approaches the driver side
10:00.264	Trooper North is standing at Souleman's door.
10:06.825	Officer Rappa begins striking the window
10:08.033	Window Strike
10:13.891	Trooper Jackson is interacting with Officer Rappa over using his baton
10:18.561	Officer Rappa strikes the passenger front window
10:19.594	Window strike
10:20.462	Window strike
10:21.363	Trooper North yells "Jackson, go to Taser!"
10:21.429	Window strike
10:22:627	Window strike
10:23:297	Trooper North removes his left hand from his firearm to visually signal to Trooper Jackson to arm himself with his Taser. At approximately the same time Trooper Jackson begins to holster his weapon
10:24.330	Window strike
10:25.858	Window strike appears to break out the passenger window.
10:25.858	Trooper Jackson begins to draw his Taser
10:26.198	Souleman begins to move inside the vehicle.
10:26.627	Trooper Jackson begins to move toward the broken window.
10:27.165	Officer Rappa strikes the window
10:28.858	Trooper North disengages the safety of his weapon
10:29.627	Souleman's torso appears to begin to twist right, towards the passenger side
10:30.000	Officer Rappa yells "He's reaching! He's reaching!" in response to Souleman's movements
10:30.099	<u>Souleman's hands can be seen coming upward into view (camera perspective)</u>
10:30.495	Trooper North begins to lower himself as if to get a better vantage point into the vehicle
10:31.330	<u>Trooper North begins moving backwards away from the vehicle³¹</u>
10:31.495	Souleman's right hand enters the frame and begins an upward arc towards Trooper North

³¹ This movement is consistent with Trooper North responding to the presence of a weapon. Marking a decision point from this point until the first shot is fired is approximately .531 seconds. This time is consistent with baseline empirical data from movement studies in perception reaction and response times, (.560). Other movements identified in the video evidence are aligned with stated threat cues and movements described by Trooper North.

10:31.825	The knife reaches the apex of its movement. At this point the knife is fully visible to the camera ³²
10:31:861	1st Shot striking the glass³³
10:32.198	2 nd Shot
10:32.410	3 rd Shot
10:32.678	4 th Shot
10:32.890	5 th Shot
10:33.122	6 th Shot
10:33.316	7 th Shot



The exact time that any person makes a decision cannot be precisely pinpointed, however, the window of time where the decision was made can be determined. The threat cues discovered in the video analysis align with the resulting actions and results and are consistent with other evidence.

³² Based on the position of the BWC, the knife was visible to Trooper North prior to the knife entering the field of view of the camera lens. This is an aspect of the accountability of time, distance speed and motion as those factors relate to the decision making process.

³³ This highlighted area represents the window of time where perceptions, reactions, and responses were occurring. 2.234 seconds

³⁴ This shot cadence is consistent with known data related to the average time for a human being to fire a handgun, (Average .250 seconds per round)

4. **Technical Video Analysis**

Because of the distortions caused by the encoding process regarding digital video, it is important for the viewer to have a surface understanding of these technical video issues that separate the reality that the Trooper was facing and the digital representation of that reality through the video evidence. As an example of limitations regarding video evidence, the distance of objects in the video appear to be considerably further away from the camera than they are in reality due to the lens specification or type. Additionally, the sounds heard on the video are somewhat muffled in comparison to the sound produced in reality, i.e., police sirens, the striking of the window with a baton, and the vehicle's revving motor, etc. These are all aspects of the video that are not necessarily in alignment with the way Trooper North perceived the incident and subsequently made decisions regarding the perceived deadly threat. Additionally, the camera is capturing a distinctly different field of view than Trooper North is observing during this critical incident. Trooper North can see with his own eyes a very different reality than what the camera is capturing from the dashboard of a Trooper's patrol vehicle or from his body worn camera located on his chest.

The video **cannot** be used as standalone evidence regarding the Trooper's reality and existence within the context of this incident; and therefore, was not used as stand-alone evidence in my analysis. I, as being an independent investigator, have considered all available evidence regarding this incident, including the digital video. It is important to view this video evidence as a piece of the totality of the incident.

The above technical issues must be identified and carefully analyzed and then compared to other investigative data. In a use of force case such as this one, the Trooper's decision-making process and subsequent actions are heavily scrutinized and compared to relevant training and the Trooper's associated experience. The important factors being examined regarding the Trooper's decision-making process are based on time, distance, speed and motion. The primary issues when considering digital video evidence are based on the factors listed above in section No. 2. Based on those factors, digital video creates distortions related to the factor of time, the perception of distance, the appearance of speed and the nuance of motion, as the video is viewed after the fact. Therefore, it was important for me to complete a thorough investigation of all aspects concerning the Trooper's decision-making and actions, which were conducted and completed. Subsequent to that thorough investigation, forensic and physical evidence can then be compared to the digital video evidence and the Trooper's statements as well as other witness statements (conducted by an objective third party).

7. STATEMENT RE CERTAINTY OF OPINIONS.

All of my stated opinions are made to a reasonable degree of scientific or technical probability or certainty based upon my review of the available known forensic and witness evidence and my background, training, and experience. My opinions at this juncture are related specifically to the forensic examination of digital video evidence and a review of the evidence identified in Section 9.

8. KEY TERMINOLOGY USED IN THIS REVIEW AND ANALYSIS.

Key terminology used in this review and analysis. The following terminology is referred to in this report and is defined for convenience. These definitions are generalized to the analysis of law enforcement involved critical incidents.

Consequentialism. This refers to the notion that an officer cannot necessarily know/predict the outcome of his/her actions, and reviewing them in hindsight can create a distorted picture. In consideration of the term "consequentialism," there was no way for an officer/Trooper to effectively or definitively identify the intentions of a suspect other than by the suspect's actions during the incident. Also, consideration must be given by an Officer to the pre-existing information received from dispatched "radio calls," and information being observed upon arrival or in real time during the event.

Time Compression. This term refers to any phenomenon that alters the qualities of, and relationship between time, distance, speed and motion, i.e., the threatening actions of a person towards another person that diminishes the meaning of distance in relationship to the ability of the victim to respond in a timely fashion in order to defend against the threatening action (also referred to as "action v. reaction").

Focus of Attention. Attention is the process peace officers are trained in regarding selectively concentrating on a discrete aspect of information, which can be either subjective or objective, while unable to attend to other perceivable information. It is the taking possession by the mind, in clear and vivid form, of one object out of what seems to be several simultaneous objects or trains of thought. Focalization and concentration of consciousness are at the core of what constitutes "attention." Attention has also been referred to as the allocation of limited processing resources.³⁵

³⁵ (Anderson, 2005).

Threat Cues. The identification of threat cues is imperative in order for an officer/Trooper to respond quickly and appropriately in rapidly evolving, highly critical scenarios such as this one. However, an officer/Trooper cannot predict a non-compliant, resistive, aggressive, combative and/or violent subject's action with 100% accuracy based on the theory of consequentialism. Considering this, an officer/Trooper is not expected to allow themselves to be subject to violent behavior prior to responding with some level of force, based on the suspect's apparent violent or unpredictable behavior in the moment force is used. This unpredictable and violent behavior was articulated and visible in the video evidence in this incident regarding the actions of Soulemane.

Tactics. The art or skill of employing available means to accomplish an end: a system or mode of procedure. Tactics are a composite of trained and/or experienced procedures that relate to the legal goals and objectives of an officer involved in a largely unpredictable environment. Trained tactics, in most cases, are applicable to specific procedure and practice, however, experiences and tacit knowledge also affect the application of tactics an officer/Trooper reasonably believes will have the highest level of success regarding the safety of the officers, the citizens and the suspect.

Training re Force. Officers are not expected to retreat in the face of a potential non-deadly or deadly attack, specifically in an environment where other individuals may be in danger. The protection of others is always a consideration based upon the actions of a suspect being perceived by an officer as an attack or simply unpredictable. Furthermore, peace officers are "not required to use the least intrusive degree of force possible," but may use only such force as is objectively reasonable under the circumstances. The question here is, what was the stimulus driving the decision to use force? Police performance elements must be considered as referenced in this report, and the Trooper's orientation can only be derived from the statements and all corroborative evidence associated with the occurrence, to include transcribed recordings of both audio and video sources.

In every critical incident, there are issues related to officer performance limitations in action versus reaction scenarios. The use of force is a serious decision and such a decision should be guided by the reverence for the safety of the subject, other citizens and the deputies involved, and, used only when other means of control are unreasonable, would not have a high expectation of success or have been exhausted by the peace officer.

An officer may use force to protect oneself or others when the officer/Trooper has the objective and reasonable belief that his/her safety, or the safety of another, is in immediate or imminent danger, based upon the totality of the facts known to the Trooper at the time.

9. DOCUMENTS & EVIDENCE REVIEWED/CONSIDERED (MATERIALS)

The following is a summary list of the documents, reports, photographs, audio/video recordings, evidence, and/or other materials that I reviewed and/or considered in this case.

Initial Report.pdf
Investigative report.pdf
Evidence Report.pdf
Hyundai Sonata Vehicle Inventory.pdf
Responding State Troopers Reports.pdf
20210601172618564.pdf
Brian North Statement.pdf
Brian North Training Curriculum.pdf
Christopher Scott Report.pdf
Det Brian Bogert WHPD.pdf
Det Robert Fazzino WHPD.pdf
Dispatch,911,Radio Synopsis.pdf
Evidence Map.pdf
Faro Scan Report.pdf
Hyundai Sonata Processing.pdf
James Borden(Studio 824)_Eltr(Gailor).pdf
Joshua Jackson Statement.pdf
Meeting with CSP Troopers 3.pdf
Meeting with WHPD Robert Rappa.pdf
Norwalk PD Radio Transmissions-911 Calls-BC Videos.pdf
NPD Case Reports # 20-2152 (2).pdf
NPD Case Reports # 20-2152.pdf
Off Joseph McDonald WHPD.pdf
Off Robert Rappa WHPD.pdf
Off Thomas Marchitto WHPD.pdf
Off Timothy Healey WHPD.pdf
Overall Scene PDF.pdf
Primary Digital Photographs.pdf
Registration-Report_CFS2000023783_2020-02-03.pdf
Ross Dalling Report.pdf
Secondary Digital Photography Reports.pdf
Troop G [Bridgeport] 911 Radio Transmissions.pdf
Troop G Call Summary 01.15.2020.pdf

Trooper North Photographs - Equipment Inventory.pdf
Use of Force Matrix.pdf
Video Reports.pdf
Weapons Firearms Use of Force Policy .pdf
West Haven Radio Codes.pdf
Brian North BWC.mp4
Brian North MVR.mp4
Joshua Jackson MVR.mp4
2000023783 jackson.mp4 (enhanced video files & images)
2000023783 jackson.mp4 (enhanced video files & images) 2

raa00206_20200115215523e0_01_000.mp4 (enhanced video files & images)
raa00206_20200115215523e0_01_000.mp4 (enhanced video files & images) 2
raa00206_20200115215523e0_01_000.mp4 (enhanced video files & images) 3
Bek Tek Email Directions (1).msg
Bek Tek Email Directions.msg
Jackson Half Speed.mkv
Jackson Quarter Speed.mkv
Jackson.zip
North (1).zip
North Full Speed.mkv
North Half Speed.mkv
North Quarter Speed.mkv

I am informed and believe that I have received all disclosures and discovery responses produced thus far in this case regarding the video evidence as prepared for viewing. The foregoing list underscores those records to which I devoted substantial consideration. The report reflects the best explanation from the information received within those records. In the event that any additional items were inadvertently omitted from the foregoing list, I will supplement this list upon questioning under oath and I reserve the right to supplement this list in a supplemental report.

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11. CURRICULUM VITAE (CV).

See attached and incorporated by reference herein. Also, previously submitted and current as of the date of this report.

A. Summary of Qualifications.

My name is James (Jamie) Borden. I have been a peace officer since 1997, and I am actively involved in the review and training of police practices and law enforcement policies. As of July 20, 2018, I have retired from the Henderson Police Department (HPD) where I was a sergeant over the Use-of-Force Training and Analysis Unit, as well as a sergeant over the HPD Training Section. I was instrumental in the development and operation of the Use-of-Force Training and Analysis Unit, and have established the Use-of-Force Training and Analysis Unit as a single point of contact for HPD in use-of-force and critical incidents involving HPD officers, for the purpose of investigation, review and analysis.

I was also one of two full-time Use-of-Force instructors for HPD, and, as such, I was responsible for all in-service Use-of-Force training, and associated training, for police officers, corrections officers, and HPD's Citizens' Academy. In addition, I was the primary Use-of-Force instructor for the Southern Desert Regional Police Academy (S.D.R.P.A.), a multi-jurisdictional academy in Clark County, which is a Nevada Police Officers Standards of Training (P.O.S.T.) certified entity.

I was involved in all management and oversight of Use-of-Force for HPD, including, but not limited to, identification of trends in use-of-force in HPD, statistical analysis of use-of-force through HPD's reporting and accountability software, and reporting to the Commission on Accreditation for Law Enforcement Agencies (C.A.L.E.A.) with respect to HPD use-of-force incidents.

My training, experience, lesson plan development, instruction and lecturing on the subject of use-of-force and seizure of persons is derived from case law from the Nevada Revised Statutes (NRS), the Ninth Circuit Court of Appeals and the United States Supreme Court regarding use-of-force, with perpetual study and review of all related case law decisions.

In 2012, I received the Force Science Analyst Certification from the Force Science Institute, which is the leading law enforcement research institute on studying the science of human dynamics behind use-of-force encounters. In 2013, I was chosen to pilot the Advanced Force Science Analyst course with the Force Science Institute and Dr. William Lewinski. In August of 2013, after a 400-hour focused study in human factors and human behavioral science, I received the first Advanced Force Science Analyst Certification Internationally.

In 2013, I joined the staff at the Force Science Institute as an instructor. I give lectures and instruction in the field of human performance, and the associated human factors, as they relate to police training and police procedure. Since 2013, I have been instructing and lecturing on scientific studies conducted by the Force Science Institute and other on human factors and human behaviors as those elements apply to Deputies involved in critical use-of-force incidents. From 2013 until February 2020 I held the position as a Force Science Staff Instructor for the five-day Force Science Analyst Certification, the two-day focused course of instruction, the four-hour modified Introduction to Force Science classes. I also co-developed the "Realities of De-escalation" class. I have developed the 4-day Force Investigators course of instruction, including the forensic examination of video evidence; designed for the recreation of Deputy involved critical incidents. I have been directly involved in research projects conducted by the Force Science Institute as a test subject and as a consultant, including gathering empirical data for use in peer reviewed journal articles. I am also currently an assistant instructor in forensic video investigations in the U.S. and Canada.

From 2012 up to my retirement in 2018, I was responsible for the review, analysis and consultation of use-of-force reporting for members of HPD, including police Deputies and corrections Deputies, as the former sergeant over the Use-of-Force Training and Analysis Unit, and the Training Section.

I have extensive experience with HPD in police patrol and as a training officer and instructor. I am also a certified Taser Instructor, Defensive Tactics Instructor, Baton Instructor, a Firearms Instructor and served as the Range Master over the Eldorado Regional Public Training Facility and the Sergeant over the training facility for the Henderson Police Department prior to my retirement.

I have been in the following specialized assignments for HPD: Field Training Deputy, The Training Bureau, Narcotics Division, and, as sergeant, and developer of the Use-of-Force Training and Analysis Unit. I have an in-depth background in analysis of human factors, human behavior, and human performance related to law enforcement including, but not limited to, investigating, reviewing and analyzing officer involved shootings and critical incidents through video analysis, as well as on-scene investigation. My training and background have given me first-hand knowledge, extensive application experience, and the objective basis to review peace officers' actions and the time compressed decisions involved in the use of non-deadly and deadly force.

Following a complete Use-of-Force Policy re-write, I was responsible for periodic reviews and updates of HPD's Use-of-Force Policy, as well as related policies connected to use-of-force and associated police procedures.

Since 2013, I have instructed and/or lectured on Use-of-Force and the associated human dynamics nationwide, including numerous Federal Agencies, the FBI Academy Associates (FBINAA), Law Enforcement Executive Development seminars (LEEDS) and multiple jurisdictions nationwide including state police, municipalities, sheriff's departments and attorneys.

I am currently a member of the Human Factors and Ergonomics Society (HFES) as a professional working in the capacity of an investigative analyst regarding the performance dynamics related to decision-making in police use-of-force. Additionally, I am a lecturer and instructor in the investigations, recreations and analysis of Use-of-Force; previously with the Force Science Institute and currently with Critical Incident Review, lecturing on the application of the scientific study of human performance and decision making related to law enforcement. I have been accepted in court Federally and at the State level as an expert in the application of scientific research regarding human behavior, as it relates to law enforcement training, decision-making, Use-of-Force, general police performance and forensic video investigation and examination related to police use-of-force.

I have works published in the Las Vegas Police Protective Association's Magazine, "Vegas Beat," and have published an article titled "Policy Matters" in May 2016 with the Daigle Law Group (DLG) (see <http://digital.911media.com/i/678564-may-june-2016>).

There is a complete list of my publications, lectures and instruction on my Curriculum Vitae, as well as previous and current cases I am involved in as an expert or consultant.

B. Summary of Area of Expertise

Law Enforcement Procedure, Law Enforcement Training & associated Police Performance and Force Dynamics relevant to Law Enforcement Training and Police Use-of-force and Decision-Making, Video Review and Analysis related to Use of Force and police related contacts.

12. RIGHT TO AMEND

I reserve the right to amend this report. Should any additional materials be produced, I reserve the right to submit a supplemental report, should any subsequent information or evidence be produced to me that may materially affect or alter any of my opinions in this case.

Sincerely,



James W. Borden
September 30, 2021



STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
INVESTIGATION REPORT (DPS-302-E) (REVISED 2/3/06)

Page 1 of 3

Report Type: Report #: 2000023501 - 00063801

Initial Report: ☐ Prosecutors Report: ☐ Supplement: ☒ Re-open: ☐ Assist: ☐ Closing: ☐

Attachments:

Statements: ☐ Teletype: ☐ Photos: ☐ Sketchmap: ☐ Evidence: ☐ Other: ☐

CFS NO 2000023501	INCIDENT DATE 01/15/2020	TIME 16:46	INCIDENT DATE 01/15/2020	TIME	PRIMARY OFFICER KIELY, THOMAS D.	BADGE NO 0139
INVESTIGATING OFFICER KIELY, THOMAS D.		BADGE NO 0139	TYPE OF EXCEPTIONAL CLEARANCE Not Applicable		CASE STATUS	
INCIDENT ADDRESS 00000 Exit 18 I 95 N Westport 06880					APARTMENT NO	TOWN CD T158

On 01/15/20 Sgt. Hennessey and I were assigned as the evening shift supervisors at Troop G in Bridgeport. At approximately 1636 hours, Norwalk Police Department contacted Troop G via the hotline and informed they were in pursuit of a vehicle traveling Rte. 7 southbound. Troop G dispatcher Vance then asked if they had a registration plate for the vehicle being pursued. Norwalk PD responded and provided registration plate AS 21103 which came back to a white Hyundai Sonata registered in the City of Bridgeport. At approximately 1639 hours, Norwalk PD advised via the hotline that they were breaking off the pursuit in the area of I-95 northbound exit # 16. They further advised that the occupant in the vehicle was armed with a knife and was involved in a threatening incident in their city.

At approximately 1649 hours, Norwalk PD contacted Troop G dispatcher Vance via the landline to inform him that the suspect had carjacked the white Hyundai Sonata and therefore felony stop procedures should be adhered to. Norwalk PD also added that they entered the vehicle as a "file 1", stolen motor vehicle in NCIC. Dispatcher Vance then broadcast to Trooper's in the area that the suspect was involved in a carjacking and was armed with a knife.

While this was occurring members of the Department of Transportation (DOT) who operate the highway cameras in the Troop G dispatch area were monitoring the white Hyundai Sonata as it continued I-95 northbound. The vehicle could clearly be seen operating in an extremely reckless manner traveling at high rates of speed through heavy traffic utilizing the center median. Again it should be noted, that no law enforcement agencies were pursuing the vehicle at this time.

Troop G dispatch was still monitoring the White Hyundai Sonata via the DOT highway cameras as it continued its reckless operation on I-95 northbound. At this point I was in dispatch and could view the

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INVESTIGATOR SIGNATURE: /SGT THOMAS D KIELY/	INVESTIGATOR I.D.#: 0139	REPORT DATE: 02/27/2020 05:06 pm	
SUPERVISOR SIGNATURE: /LT ERIC T MULLAI/	SUPERVISOR I.D.#: 0036		



2000023501 Cont. **STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
INVESTIGATION REPORT (DPS-302-E) (REVISED 2/3/06)**

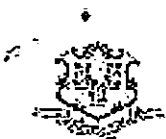
Page 2 of 3

cameras in real time. This information was then broadcast to Trooper's in the area. At approximately 1659 hours, Trooper North encounters the vehicle in the area of I-95 northbound by exit # 36 in Milford. It should be noted that the suspect continued his reckless operation for approximately 20 minutes from Norwalk to Milford even though no law enforcement agencies were attempting to stop the vehicle. Trooper North reported that he was behind the white Hyundai Sonata in the center lane traveling at speeds of approximately 86 mph. Trooper North also activated his emergency lights and siren in an attempt to effect a motor vehicle stop on said vehicle. Trooper North then advised Troop G that the vehicle was not stopping and was now traveling at speeds of approximately 100 mph in the left lane. The operator of the Hyundai Sonata continued his reckless operation and begin utilizing the right shoulder at speeds of 80 mph in an attempt to elude Trooper North. As Trooper North approached exit # 39 in Milford Trooper Jackson had joined the pursuit. Trooper Jackson then advises that he would take over radio transmissions as he was the secondary unit involved. Trooper North and Trooper Jackson then attempt to box in the white Hyundai Sonata in an attempt to slow the vehicle down. However, the suspect then intentionally struck both cruisers in a sideswipe manner and continued his reckless operation. The vehicle continued traveling I-95 northbound by exit # 40 at speeds of 90 mph. At this point Trooper North took over radio transmissions. The traffic conditions were moderate at this time on this particular section of I-95. The pursuit continued on I-95 northbound passing exit # 41 and exit # 42 with speeds ranging between 80 and 100 mph utilizing all lanes of traffic. As the suspect approached exit # 43 traffic in the area became heavier. The suspect then exited the highway at exit # 43 in the city of West Haven. The suspect then made a left off of exit # 43 onto Campbell Avenue. There was a short pause in radio transmissions, then Trooper North broadcast "shots fired." Troop G immediately started CMED and I advised dispatch I was responding to the scene in West Haven.

While in route to the scene I notified Troop G C.O. Lt. Mullai of the incident. Upon my arrival on scene I positioned my cruiser on the exit # 43 off which was now closed with assistance from the Department of Transportation. I then approached Trooper North and TFC Richter. I then asked Trooper North to give me a quick synopsis of what happened. Trooper North explained that after the suspect crashed into another vehicle he and Trooper Jackson positioned their cruisers to box the suspect in. Trooper North explains that he approached the driver's side of the suspect vehicle while Trooper Jackson approached the passenger side. Trooper North further explained that he was utilizing felony stop procedures at this point. He explained that the suspect initially appeared to be "out of it", but when the West Haven Police Officer shattered the passenger side window the suspect was startled and came to. Trooper North stated that the suspect then reached into his waistband and pulled out a knife. Trooper North stated that he subsequently fired his duty weapon. Due to the stress related to a critical incident such as this I had Trooper North go to Yale New

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Haven Hospital for an evaluation. TFC Richter accompanied Trooper North to the Hospital.

I then made my approach to the actual scene and observed the White Hyundai Sonata on Campbell Avenue with front end damage from striking another civilian vehicle. I also observed damage to both Trooper North and Trooper Jackson's vehicle as a result of the suspect intentionally striking both cruisers. I then requested evidence placards from members of the West Haven Police Department and asked them to begin identifying and marking any spent shell casings. Numerous pieces of medical equipment were located on the passenger side of the White Hyundai Sonata where lifesaving efforts were performed on the suspect. The scene was secured with crime scene tape on both ends of the overpass on Campbell Avenue. Sgt. Soda and members of the Central District Major Crime Squad arrived a short time later in order to process the scene.

At approximately 2200 hours, I arranged for Troopers Pagoni and Federowicz who were both working evening shift to respond to the scene off exit # 43 in West Haven. Both Troopers provided scene security for members of the Central District Major Crime Squad. At approximately 2215 hours, I cleared the scene concluding my involvement.

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STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
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Report Type: Report #: 2000023501 - 00068022

Initial Report: ☐ Prosecutors Report: ☐ Supplement: ☒ Re-open: ☐ Assist: ☐ Closing: ☐

Attachments:

Statements: ☐ Teletype: ☐ Photos: ☐ Sketchmap: ☐ Evidence: ☐ Other: ☐

CFS NO 2000023501	INCIDENT DATE 01/15/2020	TIME 16:46	INCIDENT DATE 01/15/2020	TIME	PRIMARY OFFICER KIELY, THOMAS D.	BADGE NO 0139
INVESTIGATING OFFICER HENNESSEY, RYAN M		BADGE NO 0243	TYPE OF EXCEPTIONAL CLEARANCE Not Applicable		CASE STATUS	
INCIDENT ADDRESS 00000 Exit 18 I 95 N Westport 06880					APARTMENT NO	TOWN CD T158

On 01/15/20, Sgt. Kiely and I were assigned as the evening shift supervisors at Troop G in Bridgeport. At approximately 1636 hours, Norwalk Police Department contacted Troop G via the hotline and informed they were in pursuit of a vehicle traveling Rte. 7 southbound. Troop G dispatcher Vance then asked if they had a registration plate for the vehicle being pursued. Norwalk PD responded and provided registration plate AS 21103 which came back to a white Hyundai Sonata registered in the City of Bridgeport. At approximately 1639 hours, Norwalk PD advised via the hotline that they were breaking off the pursuit in the area of I-95 northbound exit # 16. They further advised that the occupant in the vehicle was armed with a knife and was involved in a threatening incident in their city.

At approximately 1649 hours, Norwalk PD contacted Troop G dispatcher Vance via the landline to inform him that the suspect had carjacked the white Hyundai Sonata and therefore felony stop procedures should be adhered to. Norwalk PD also added that they entered the vehicle as a "file 1", stolen motor vehicle in NCIC. Dispatcher Vance then broadcast to Trooper's in the area that the suspect was involved in a carjacking and was armed with a knife.

While this was occurring members of the Department of Transportation (DOT) who operate the highway cameras in the Troop G dispatch area were monitoring the white Hyundai Sonata as it continued I-95 northbound. The vehicle could clearly be seen operating in an extremely reckless manner traveling at high rates of speed through heavy traffic utilizing the center median. Again it should be noted, that no law enforcement agencies were pursuing the vehicle at this time. At this time, as the Sonata was being monitored via DOT cameras traveling in the left shoulder/median at a high rate of speed, I advised Sgt. Kiely that I was going to head out to the s/b side of I-95 and try to throw stop sticks out onto the n/b side if I deemed it to be prudent. I then drove onto the I-95 s/b on ramp at exit 27 and quickly moved to the median.

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INVESTIGATOR SIGNATURE: /SGT RYAN M HENNESSEY/	INVESTIGATOR I.D.#: 0243	REPORT DATE: 03/03/2020 11:52 pm	
SUPERVISOR SIGNATURE: /SGT THOMAS D KIELY/	SUPERVISOR I.D.#: 0139		

STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY-
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I retrieved my stop sticks from my trunk and had them ready while I was standing on the median concrete barrier. I listened to the radio and heard that the Sonata was heading north on I-95 n/b near the exit 25. I then noticed the white Sonata was in the left center lane with traffic and not in the left shoulder as it had been traveling when I observed it on the DOT cameras. I did not feel I was able to safely throw the stop sticks so I put them back in my cruiser.

I stayed in the area of exit 26 in case the Sonata operator flipped around and traveled back s/b. Trooper North and Jackson then engaged the Sonata operator in pursuit and I listened to the radio as they detailed the pursuit on the radio. I allowed Sgt. Kiely to run the pursuit since Trooper North was assigned to his platoon. Once I heard over the radio that shots were fired off exit 43, I flipped around at exit 25 and proceeded north to exit 43 where the shooting occurred, along with Sgt. Kiely, who was heading there from the barracks. Troop G immediately started CMED and I called Sgt. Kiely on his cell phone to ask him if he wanted me to advise Lt. Mullai of the shooting. He stated he would handle the notification of the Lieutenant.

Upon my arrival on scene I positioned my cruiser facing south on Campbell Ave, approximately 100 feet south of the exit 43 off ramp, away from the scene. I then approached Trooper North and TFC Richter. I listened in as Trooper North gave Sgt. Kiely and I a quick synopsis of what happened. Trooper North explained that after the suspect crashed into another vehicle he and Trooper Jackson positioned their cruisers to box the suspect in. Trooper North explained that he approached the driver's side of the suspect vehicle while Trooper Jackson approached the passenger side. Trooper North further explained that he was utilizing felony stop procedures at this point. He explained that the suspect initially appeared to be "out of it" but when the West Haven Police Officer shattered the passenger side window the suspect was startled and came to. Trooper North stated that the suspect then reached into his waistband and pulled out a knife. Trooper North stated that he subsequently fired his duty weapon. Due to the stress related to a critical incident, Sgt. Kiely sent Trooper North to Yale New Haven Hospital for an evaluation. TFC Richter accompanied Trooper North to the Hospital. I also spoke with Trooper Jackson who explained to me what occurred during the pursuit and once the Sonata operator took exit 43 and turned left before stopping in traffic. Trooper Jackson advised that the Sonata operator struck his cruiser along with Trooper North's cruiser during the pursuit. Once stopped on Campbell Ave., Trooper Jackson stated he yelled to the operator to exit his vehicle but he failed to comply. He stated that a West Haven PD officer used his expandable baton to break the passenger window of the Sonata and then Trooper Jackson unsuccessfully used his issued taser. The Sonata operator pulled a knife around this time and then Trooper North fired his duty weapon several times, according to Trooper Jackson.

North

Jackson

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I then made my approach to the actual scene and observed the White Hyundai Sonata on Campbell Avenue with front end damage from striking another civilian vehicle. I also observed damage to both Trooper North and Trooper Jackson's vehicle as a result of the suspect intentionally striking both cruisers. Numerous pieces of medical equipment were located on the passenger side of the White Hyundai Sonata where lifesaving efforts were performed on the suspect. The scene was secured with crime scene tape on both ends of the overpass on Campbell Avenue by West Haven PD. Sgt. Soda and members of the Central District Major Crime Squad arrived a short time later in order to process the scene.

I called Troop G dispatch to advise them to have midnight shift come in early and to send them to patrols as they see fit. I let Dispatcher Vance know that I would call and get a trooper if we needed any extra personnel at the scene. In the next several hours, I monitored troop operations as any further incidents would require my attention as Sgt. Kiely was running the scene at Campbell Ave. until Lt. Mullai arrived on scene along with the Major Crime Squad. I also showed members of PIO, Major Crime and command staff what occurred in the moments leading up to the shooting, based on my conversations with Trooper North and Trooper Jackson. Furthermore, I spoke with members of the public who were outside the perimeter/crime scene tape, one of which was the wife and mother-in-law of the male who was struck from behind by the Sonata operator. At approximately 2215 hours, I cleared the scene concluding my involvement.

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