

**YALE UNIVERSITY POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT
REPORT OF INTERNAL INVESTIGATION
FILE NO. CC15-0001**

COMPLAINANT: [REDACTED] SY '16

ABSTRACT OF ALLEGATION: The complainant questioned if the procedure that Officer [REDACTED] used when he stopped him on the evening of January 24th, 2015, with the use of his handgun, was appropriate police procedure.

APPLICABLE RULE(S): General Order 302: Use of Force
General Order 401: Post Use of Force Procedures
General Order 410: Patrol Procedures

SUBJECT OF COMPLAINT: Officer [REDACTED]

DATE/TIME OF INCIDENT: January 24th, 2015 at 6:12 PM

LOCATION OF INCIDENT: Elm Street: Cross Campus walkway that leads to Noah Porter Gate near the N/E Corner of Berkeley College South at Yale University

DATE COMPLAINT RECEIVED: January 24th, 2015

ASSIGNED INVESTIGATORS: Lieutenant [REDACTED]/Lieutenant [REDACTED]

OVERVIEW

On January 24th, 2015, Officer [REDACTED] of the Yale University Police Department responded to the area of College Street and Elm Street based on a report of an unknown intruder who had entered several occupied residential suites and students' rooms at Yale University's Trumbull College, one of 12 on-campus residential colleges for undergraduate students.

Officer [REDACTED] was the first police officer to arrive in the area of the reported crime in progress. Soon after his arrival, Officer [REDACTED] saw [REDACTED] (hereafter referred to as "the Complainant"), who was wearing a red and white hat, a black coat, was tall and African-American, and was in the area of the reported crime in progress. The Complainant matched the description of the intruder as broadcast by the Yale University Emergency Police Dispatch. Officer [REDACTED] initiated contact with the Complainant, to determine if he was involved in the crime. From a distance of approximately twenty (20) feet away from the Complainant, Officer [REDACTED] drew his department issued firearm and held it at the "low ready," which is a technique that involves a firearm pointed in the direction of, but not directly at, a potential suspect, in an attempt to gain compliance while maintaining control if the encounter becomes a lethal encounter for the officer. The technique requires that the officer keep his/her index finger straight along the receiver or frame of the gun, away from the trigger well. This position is called "indexing" or being "indexed." At no time does an officer put his/her finger on the trigger during the indexing position.

During the course of this interaction, Officer [REDACTED] drew his gun using the "low ready" technique described above, and gave the Complainant verbal commands, including ordering him to lie down. The Complainant complied immediately, which allowed Officer [REDACTED] to quickly assess that although the exact involvement of the Complainant with the crime in progress was still not known, he did not present an immediate threat. Officer [REDACTED] did not physically touch the Complainant at any time.

Officer [REDACTED] closed his distance to the Complainant, holstered his weapon and observed that the Complainant was compliant, non-confrontational, and frightened. Officer [REDACTED] determined that the Complainant was a self-described Yale student carrying electronic gear and likely not the burglar. Because the crime was still ongoing, Officer [REDACTED] told the Complainant that he had to leave but that he would contact him later to explain what just happened. Officer [REDACTED] then left the Complainant briefly, to continue his search for the actual burglar, but soon returned to the Complainant to obtain contact information from him.

The Shift Commander, Lieutenant [REDACTED], directed Officer [REDACTED] to keep the Complainant with him until the police could know with certainty that he was not involved in the crime. The Complainant was released shortly after this when an arrest of the actual burglar was made approximately two-hundred (200) feet away in the Berkeley South entryway.

DISPATCH & VIDEO REVIEW

The following timeline captures events on the evening of January 24th, 2015 during a portion of the “B” Squad shift for the Yale University Police Department. Specifically, the following series of events started when emergency phone calls from four Yale University students came into the Yale University Police Department’s Emergency Dispatch Center (“Dispatch”).

Because there are different times on different devices, (Dispatch time stamps and video camera time stamps are not perfectly matched), this timeline begins at the time Officer [REDACTED] (referred to as “Unit 586”) was initially contacted by Dispatch for this specific call. This moment is referred to below as “00:00:00.”

All entries are audio recordings made by Dispatch unless otherwise noted.

When describing video sequences, the actual video time stamp is used and the events seen on camera are described in italics.

When relevant, commentary from interviews is included.

With audio and video combined, the sequence of events occurred as follows:

00:00:00 YPD Emergency Dispatch contacts Unit 586 (Officer [REDACTED]) via radio
00:00:04 Unit 586 (Officer [REDACTED]) responds
00:00:06 YPD Emergency Dispatch provides detailed description of an intruder walking in and out of students’ rooms. Description: “Extraordinarily tall black male, black coat, red and white beanie cap, orange details on the shoes.”
00:00:44 Unit 586 (Officer [REDACTED]) acknowledges the information and advises he is on his way.
00:01:05 YPD Emergency Dispatch provides possible direction of the intruder and the physical description to all units again: “Extraordinarily tall black male, black coat, red and white hat, beanie style, orange detailing on the shoes.”
00:02:03 Unit 586 asks YPD Emergency Dispatch to “hold the air” (This is done in an emergency so that officers on scene can have immediate access to the radio if needed)
00:02:06 YPD Emergency Dispatch secures the air for Unit 586
00:02:13 Unit 586 (Officer [REDACTED]) announces his arrival via radio
00:03:07 Unit 586 (Officer [REDACTED]) announces, “5-8-6. I have him right here.”
18:12:16 Video: Camera shows a clear view of Officer [REDACTED] facing towards the Complainant as the Complainant (not seen in this view) is walking away from him and towards Porter Gate. The view shows Officer [REDACTED] with his gun drawn, pointed towards the ground as he faces the direction of the Complainant. Officer [REDACTED] goes out of view on this camera after this frame. (Cross Campus Camera View.)
18:12:21 Video: Officer [REDACTED] sees the Complainant and faces him. Officer

██████████ draws his gun from his holster and his weapon can be seen pointed towards the ground. (Calhoun Dining Hall Exterior Camera.)

00:03:09 YPD Emergency Dispatch asks for Officer ██████████ location.

18:12:24 *Video: The Complainant goes into the prone position as Officer ██████████ approaches him. The weapon can be seen at the "low ready" position. (Calhoun Dining Hall Exterior Camera.)*

18:12:29 *Video: Officer ██████████ left hand is extended, as he gets close to the Complainant. Officer ██████████ can be seen re-holstering his weapon on his right hip, with his right hand, with his gun side away from the Complainant. (Calhoun Dining Hall Exterior Camera.)*

00:03:18 Unit 586 (Officer ██████████) advises via radio, "Disregard."

18:12:38 *Video: The Complainant is standing up. (Calhoun Dining Hall Exterior Camera.)*

18:12:38 *Video: Officer ██████████ is backing away from the Complainant. (Calhoun Dining Hall Exterior Camera.)* Officer ██████████ would later transmit that there is no orange on the Complainant's shoes and states that this is when he realizes that the Complainant was a Yale student and likely not a burglar.

18:12:43 *Video: Officer ██████████ turns around and runs back towards Cross Campus (Calhoun Dining Hall Exterior Camera) as it is broadcast that a suspect, also matching the description, has been seen on Cross Campus.*

18:12:46 *Video: The Complainant can be seen walking towards Porter Gate, carrying his electronics gear. (Calhoun Dining Hall Exterior Camera.)*

18:12:52 *Video: The Complainant is out of camera view as he makes his way to Porter Gate/Elm Street (Calhoun Dining Hall Exterior Camera.)*

18:12:58 *Video: Officer ██████████ is seen running back to where the Complainant went out of camera view, by Porter Gate. He slows as he sees the Complainant. (Calhoun Dining Hall Exterior Camera.)* This is where Officer ██████████ receives information from the Complainant and has a short conversation with him.

00:03:44 On-scene unit advised all units that the suspect reportedly walked out and was going on Elm Street towards College Street.

00:03:58 On-scene unit advised all units that the suspect had left the building about three minutes ago.

00:04:13 Unit 586 (Officer ██████████) advises all units that he has a black male but notes that he does not have orange on the sneakers.

00:04:24 L-14 (Lieutenant ██████████) advises Officer ██████████ to, "Latch onto him," advising that they can always "release him later."

00:04:28 Unit 586 acknowledges by saying, "Roger."

00:04:38 On-scene unit advises all units that there is a new detail to the suspect's jacket. The suspect has been reported as having the word, "Combat" on the back of his jacket.

00:05:20 L-14 (Lieutenant ██████████) advises all units of his perimeter location and advises Unit 586 as follows: "██████████, hang onto your guy until we're sure."

00:05:25 Unit 586 responds, "This one is a Yale student. ██████████. Can you write that down? ██████████."

00:06:21 Officer ██████████ provides the following radio broadcast, "Got him. Berkeley South entrance."

END of Timeline

There were four separate callers on the initial report of an intruder/burglary/crime in progress. Below is a listing of the four calls and the descriptions of the suspect provided by each caller.

Caller 1 at 6:08:39 pm – Dispatcher [REDACTED] - Station 4:

He is an extraordinarily tall person, in a black coat with a hat that's red and white, and I think it said "New York" on it, but I'm not sure. Dispatcher asked if it was red and white like a baseball cap and caller stated no, like a beanie. Dispatcher asked if it was a white male or black male and caller stated black. Shoes with orange detailing.

Caller 2 at 6:09:59 pm – Dispatcher [REDACTED] - Station 3:

He's a tall man, he's black, he was wearing a hat and a jacket and he was on the phone, probably mid-twenties. Dispatcher asked what he was wearing and Caller 2 stated "I think he was wearing a black jacket. A black jacket and red hat."

Caller 3 at 6:12:46 pm – Dispatcher [REDACTED] - Station 3:

Wearing a red hoody, I'm sorry a red beanie, and he has a black jacket he is a big man.

Caller 4 at 6:14:57 pm – Dispatcher [REDACTED] - Station 3:

A man who was clearly not a college student. The dispatcher then stated, a tall black man with a black coat? The caller then stated, yea he is wearing a black coat he had like a red hat on... He is wearing a red hat and is probably 6'2".

To recap, on January 24th, 2015, at 6:11 p.m., Officer [REDACTED] was on duty and functioning in a uniformed patrol assignment. He was working the 3pm to 11pm shift, often referred to as "B" shift or Swing shift. His shift supervisor was Sergeant [REDACTED] and the shift commander was Lieutenant [REDACTED]. Officer [REDACTED] was assigned call sign, "586." The "586" designation identifies the officer's primary patrol responsibilities. The "586" designation is the Yale Medical School area.

At around 6:11 PM, Unit 586 (Officer [REDACTED]) was dispatched to Trumbull College based on a report of an individual that was walking in and out of residential rooms, which alarmed the Yale students that occupied those rooms. There were four (4) separate calls from Yale students to report this emergency. After he was dispatched to this call, he was told that they (Dispatch) would get him a backup unit very soon. Although no other cars were dispatched to this call, every working unit responded. The broadcast from the Yale University Police Emergency Dispatch, as it relates to the suspect, was as follows:

1. Extraordinarily tall, black male
2. Black coat
3. Red and white beanie cap

4. Orange details on the shoes

Officer [REDACTED] acknowledged the call and informed his police dispatch of his current location.

Dispatch reported that this subject had been walking in and out of rooms and that his current location was not known. Moments later a second description was broadcast from the Yale Police Emergency Dispatch that went as follows:

1. Extraordinarily tall, black male
2. Black coat
3. Red and white hat, beanie style
4. Orange detailing on the shoes

Officer [REDACTED] soon advised all units that he had arrived. Moments later Officer [REDACTED] initiated a radio transmission by saying, “5-8-6. I have him right here.” Dispatch responded immediately by asking, “Okay. Your location please?” Soon after there is a transmission from Officer [REDACTED] and he says, “Disregard.” From the time of the “5-8-6. I have him right here,” transmission to the “Disregard” transmission, a total of about twelve seconds elapse. It is close to this timeframe that Officer [REDACTED] used his service weapon in the “low ready” technique, initiated his stop with the Complainant and re-holstered his service weapon.

COMPLAINANT STATEMENT

The Complainant in this matter, [REDACTED], declined, via email, to take part in a formal interview. The Complainant indicated he would send in a written statement regarding the events of January 24th, 2015. On January 29th, 2015, the Complainant emailed a typed statement in PDF form, recollecting the events of January 24th, 2015.

The Complainant wrote in his statement that he had visited the Bass Library (110 Wall Street) at Yale University and reserved some media equipment (which he described as a “hand camera, shotgun microphone, and tripod”). Once the reservation was complete he coordinated with the on-duty security officer stationed there so he could exit the building without setting off the alarm. After clearing security he exited the library.

The Complainant wrote that as he exited the library on the Elm Street side he noticed Officer [REDACTED] jogging towards the entrance to Sterling Memorial Library. The Complainant described the officer as seeming African-American, about his same height (The Complainant described himself at 6’1”) and wearing a traditional police uniform. The Complainant did not pay any more attention to the officer and continued to walk back towards his room. He looked behind him and noticed the officer was following him. He heard the officer speak into his shoulder mounted radio and say, “I got him.” The Complainant faced forward again, presuming that the officer was not talking to him and then heard him say, “Hey, turn around!” The Complainant complied. According to the Complainant’s written statement, he notes, “The

officer raised his gun at me, and told me to get on the ground. At this point, I stopped looking directly at the officer, and looked down towards the pavement. I dropped to my knees first with my hands raised, then laid down on my stomach. The officer asked me what my name was. I gave him my name.” The Complainant then wrote that the officer asked him what school he went to. According to the Complainant, “I told him Yale University. At this point, the officer told me to get up.”

The Complainant wrote in his statement that the officer told the Complainant his name and told the Complainant to call him the next day. The Complainant said he was scared and his legs were shaking slightly as he continued to walk back toward his room. After a few more paces the officer said, “Hey, my man. Can you step off to the side?” He complied. The officer then gestured for the Complainant to stay where he was, which he did, as the officer walked out to the street (Elm Street) and looked towards Broadway. The officer then asked to see the back of the Complainant’s jacket. The officer asked him for his name again and if he had identification. The Complainant provided the officer with his Yale identification. The officer called in this information, to who he believes was the dispatcher, saying, “Take that down.” The Complainant then heard who he believes was the dispatcher saying something to the effect of, “Keep him there until we get this sorted out.” The officer told the Complainant he would need to make an incident report and then walked away.

The Complainant writes that a female officer walked up to him at this point, and that he told the female officer that an officer had just stopped him and pointed his gun at him. The female officer told him that a student had called about a tall, black man wearing a red beanie and a black jacket. She told him he fit the description of the person they were looking for, which is why the officer stopped him and asked him some questions. She then told him some students were scared and they were trying to sort everything out. He told the officer, “Okay,” and continued to walk home.

Once the complainant arrived home he told his girlfriend a short description of what happened and then called his father, not receiving an answer. He called his mother next and explained the incident to her. His mother advised him to write down everything he could remember from the incident and he did. She also advised him to record himself explaining the incident on his phone and to request a timestamp from the library that would show when he left the library, which he did. He then received a call from his father and explained the situation to him.

Lieutenant [REDACTED] called the Complainant later that evening to speak with him about the incident. Through that conversation a complaint intake form was completed by Lieutenant [REDACTED], initiating an internal investigation. The Complaint Intake form indicated that [REDACTED] felt that the stop by Officer [REDACTED] was justified but not the use of a handgun.

It should be noted that the initial investigation into this incident was generated from the Complaint Intake form that was completed by Lieutenant [REDACTED]. For this reason, the Complaint Intake form was treated as the initial complaint. Yale Police Department’s General Order #207 (Civilian Complaints, Internal Investigations and Discipline) states under the

“Procedures” heading on page 3 that, “Complaints may be made in writing or verbally, in person, by telephone, fax, e-mail, or mail.” It continues, “All officers and employees who receive misconduct complaints against other department employees, shall immediately inform a supervisor of the misconduct complaint so that the supervisor ensures proper intake of the complaint.” In this instance, the complaint was received over the phone and directly with the shift commander. The shift commander, Lieutenant [REDACTED], documented the complaint on the department’s “Complaint Intake” form, which is consistent with the requirements in General Order #207. The Complainant was identified by Lieutenant [REDACTED] as [REDACTED] and the Yale University Chief of Police was notified.

The Complaint Intake form was completed by Lieutenant [REDACTED] on behalf of the Complainant, after he questioned whether or not the procedures used by Officer [REDACTED] were in fact normal police procedures. This occurred during a phone call between the two. It should be further stated that Chief [REDACTED] ordered this internal investigation.

WITNESS STATEMENT(S)

Sergeant [REDACTED] was interviewed by Lt. [REDACTED] and Lt. [REDACTED] and provided an audio recorded statement in relation to this investigation on February 4th, 2015. She was alone during the interview.

Sergeant [REDACTED] stated that she was working a uniformed assignment during the portion of this patrol shift that is in question. She recalled responding to a “burglary in progress” call and stated that although one or two patrol units had been dispatched, the entire shift responded. Sergeant [REDACTED] said that there were “multiple calls from students” into the Yale Police emergency dispatch center and also noted that the suspected intruder was going into rooms that were occupied by Yale students.

When asked about the initial physical description of the intruder, Sergeant [REDACTED] remembered hearing the following description provided by the police dispatch:

1. Extraordinary tall, black male
2. Wearing a red and white beanie
3. Wearing a black coat.
4. She said that an additional descriptor of “orange on his shoes” was broadcast but believes this information came about ten (10) minutes after the original broadcast.

Sergeant [REDACTED] stated that an individual was eventually arrested in the matter who was charged with burglary, among other crimes. Sergeant [REDACTED] reported that the arrested person was located in the entryway just outside of the dining room entry, inside of Berkeley South (which is a residential college). I asked Sergeant [REDACTED] to describe to me the physical characteristics of the person that was arrested. She estimated him to be a black male, about 6’3” and wearing a red and white cap and a black coat containing a patch on the arm with white lettering.

I asked Sergeant [REDACTED] if she had any contact with Complainant and she confirmed that she did

have contact with him during the shift in question. She described herself as walking up Elm Street to assist with the originally dispatched call. As she walked up Elm Street she saw the Complainant with a perplexed look on his face as Officer [REDACTED] ran the opposite direction on Elm Street toward Berkeley College. She said the Complainant said to her, "That officer just had his gun out at me!" She said she apologized to him for not being able to spend a lot of time with him but did tell him that the officer (and responding units) were there because of a physical description that he happened to fit. She told him he exactly matched it.

She recalled the Complainant being calm, relaxed and wanting information. There were no injuries reported.

Sergeant [REDACTED] was assigned a body video camera for this shift but did not have it engaged during her contact with the Complainant. The Yale University Police Department deploys a body camera on every shift, via one of its supervisors. For this particular shift, Sergeant [REDACTED] said she was assigned to wear the body camera. I asked her why she did not record this contact and she described the encounter with the Complainant as a casual encounter and that the camera is to be turned on when observing criminal activity. After Sergeant [REDACTED] finished speaking with the Complainant, she told me she responded to the scene of the person that was actually arrested in this incident and did use her body camera to video record him as he was being handcuffed. For specifics, please refer to the typed statement of Sergeant [REDACTED], which is attached to this report.

Lieutenant [REDACTED] was interviewed by Lt. [REDACTED] and Lt. [REDACTED] and provided an audio recorded statement in relation to this investigation on February 4th, 2015. He was alone during the interview.

Lieutenant [REDACTED] confirmed that he was the Shift Commander for the "B" Squad shift during the evening in question. The shift runs from 3pm until 11pm. He also confirmed that he did recollect the events of the shift that involved Officer [REDACTED] and the Complainant in this matter. Lieutenant [REDACTED] stated that during this shift, a call from dispatch came in and several officers were dispatched to Trumbull College (241 Elm Street) for a "Burglary in Progress" call. Lieutenant [REDACTED] described a "burglary" as a felony crime and made note that it was occurring in a residence and that it was during the night.

Lieutenant [REDACTED] added that there had been a "recent rash" of residential burglaries at Trumbull College and said that, "we were responding with the assumption that, not only was there a burglary in progress right now, but it (*was*) probably related to the previous burglaries in that building." I asked Lieutenant [REDACTED] what information he recalled hearing from the police dispatch as he was responding to this incident and he said there was an initial physical description given as follows:

1. Black male
2. Extremely Tall
3. Red and white knit cap

4. Black jacket
5. Sneakers with gold or yellow on them

Lieutenant [REDACTED] stated that an updated description of the suspect was later provided by the police dispatch and the following was provided:

1. Tall, extremely tall
2. Black male
3. Black jacket
4. Red and white hat
5. Word, "COMBAT" written on the black jacket.

Lieutenant [REDACTED] clarified that the intruder who was being reported by the Yale students had reportedly been going inside of occupied rooms. Lieutenant [REDACTED] confirmed that someone was eventually arrested in this matter, and ultimately taken into custody and charged with felony crimes. The person who was arrested in the criminal matter was physically taken into custody inside of the entryway to Berkeley South College.

Lieutenant [REDACTED] stated that he responded to the exact arrest location and was able to see the arrestee. I asked him to describe the arrestee's physical characteristics to me and stated the following:

1. Black male
2. About 6'2" to 6'3"
3. Probably heavy set
4. Red and white knit cap
5. Black jacket (He believes the word "COMBAT" was written on the breast of the jacket)
6. Sneakers that had gold on them

I asked Lieutenant [REDACTED] if he was on scene during the investigatory stop that took place between the Complainant in this matter and Officer [REDACTED] and he said he was not. I asked Lieutenant [REDACTED] if he knew which person was stopped first, the Complainant or the Arrestee. He stated that the Complainant was stopped first and that he did not see the Complainant at any time.

Lieutenant [REDACTED] noted that although he did not see the Complainant in person, he did speak with him on the phone. He stated that after the burglary investigation had concluded he called the Complainant. I asked Lieutenant [REDACTED] to explain to me how he came into contact with the Complainant. He stated that Officer [REDACTED] initially came to him, as he was starting to write his police report for the burglary arrest and asked if he should call the Complainant himself because he had told him that he would contact him after the emergency was over to explain why he was stopped. Lieutenant [REDACTED] told Officer [REDACTED] that it would be better if he, as his supervisor, made that phone call. I asked Lieutenant [REDACTED] why Officer [REDACTED] wanted to make the call. Lieutenant [REDACTED] said that Officer [REDACTED] told him he thought the student

had been concerned about the nature of the stop and that he wanted to clarify the issue.

Lieutenant [REDACTED] stated that he called the Complainant and spoke to him about two issues: One, “the stop itself, why he was stopped” and two, the description of the suspect that he and the other officers were responding to. He recalls telling the Complainant that the initial report was that of an:

1. Extremely tall
2. Black male
3. Black jacket
4. Red and white knit hat

After providing this description to the Complainant, Lieutenant [REDACTED] recalls him saying something to the effect of, “Oh yeah, that fits me.”

Lieutenant [REDACTED] went on to say that the other issue the Complainant was concerned about was that a handgun was displayed during the stop. Lieutenant [REDACTED] told the Complainant that he was not going to get into the policy and procedure over the phone but that, based on his judgment, the stop was a “good stop” as it relates to the physical description but also in the way it relates to policy and procedure. He said he didn’t want to try and explain the complex policies and procedures as it relates to “use of force” by police officers, over the phone.

Lieutenant [REDACTED] stated that the Complainant wanted access to the police report and he told him that due to the felony arrest that was made, it would be quite some time before that would be available. As a faster option, Lieutenant [REDACTED] said that he suggested to the Complainant that the Yale University Police Department would do an internal investigation, which would allow for the information he was seeking to be available to him in a “much more timely manner.” He said the Complainant thought that was a good idea and as a result, Lieutenant [REDACTED] completed the “Complaint Intake” form, thus initiating the internal investigation process. Lieutenant [REDACTED] added that he explained the complaint procedure to the Complainant and that, based on his conversation with him over the phone, he would start the process for him.

Lieutenant [REDACTED] stated that about an hour prior to his speaking with the Complainant, the Complainant’s father called into the Yale Police dispatch to “lodge the complaint.” Lieutenant [REDACTED] stated that he initially had difficulty hearing the father because of what appeared to be a bad connection. The father was able to get across that he was concerned that a police officer had drawn his weapon while stopping his son. Lieutenant [REDACTED] asked the father to pull his car over, due to the poor phone connection, so that they could speak clearly to each other. Soon after, the line cleared and the conversation was conducted.

During the phone conversation between Lieutenant [REDACTED] and the Complainant’s father, Lieutenant [REDACTED] explained to the father why and how his son was stopped. He also told the father that his son fit the description they were provided by students. Lieutenant [REDACTED] recalled the father as being very upset. Lieutenant [REDACTED] tried to empathize with him by stating that he

too was a father of a college-aged child and that he would be upset as well, if his child was stopped by an officer with a handgun. Lieutenant [REDACTED] stated that he also told the father that didn't mean that the stop was wrong. Lieutenant [REDACTED] stated that he understood the father was upset, as he would be, but noted that his son did fit the description that they were provided by the students who were reporting the in-progress crime.

Lieutenant [REDACTED] stated that he informed the father that there did not appear to be any policy or procedure violations but that the department would, as they do in any use of force incident, investigate the actions for compliance. Lieutenant [REDACTED] stated that this did not seem to lessen the father's anger at all. He said the father said something to the effect of, "this issue's not over." The father requested copies of the police report and Lieutenant [REDACTED] informed him that it would be some time before he would be able to get them, due to the felony arrest involving the person that was apprehended and charged in this matter.

At some point during the phone conversation, Lieutenant [REDACTED] stated that the father, "implied that the stop was based on the Complainant's race as opposed to specific facts..." as it relates to why his son was stopped. I later asked Lieutenant [REDACTED] how long he believes he spoke to the father and he estimates that the entire phone call lasted about five minutes.

I asked Lieutenant [REDACTED] about the body camera deployment for this particular shift and he stated the following. With regard to the body camera that supervisors wear during their patrol shift, Lieutenant [REDACTED] confirms that Sergeant [REDACTED] did not obtain any video footage of her brief contact with the Complainant in this matter. Lieutenant [REDACTED] stated that the body cameras are to be activated during criminal events. He also stated that there was no video footage from the in-car mobile video systems because there is a new fleet of patrol vehicles and that the system is not installed in them as of yet.

Lieutenant [REDACTED] stated that Officer [REDACTED] notified him in a timely fashion as it relates to his use of force with the Complainant in this matter.

SUBJECT STATEMENT(S)

Officer [REDACTED] was interviewed by Lt. [REDACTED] and Lt. [REDACTED] and provided an audio-recorded statement in relation to this investigation on February 4th, 2015.

During this statement, Officer [REDACTED] was asked about his actions as they specifically related to his encounter with the Complainant in this matter. Officer [REDACTED] stated that he responded to what he described was a "burglary" and that it was a "felony" as well. He noted the potential danger of responding to such a call and noted that he was aware of previous burglaries that had taken place in this same "vicinity, within that week." He noted that he responded in an emergency fashion but that he did use care and noted his intent to "protect the students there."

Officer [REDACTED] stated that the description he recalled hearing on the police radio that night was that of a black male who was tall, wearing a black coat and a red and white hat. Officer

██████████ stated that within the first two or three minutes he saw someone matching the description of the burglar that dispatch had provided. He saw this individual, the Complainant, as he was on the cross campus pathway, about to pass the intersection that leads to Noah Porter Gate, which leads to Elm Street. He noted that he saw a person walking on the Porter Gate pathway who was tall, wearing a red hat and wearing a black coat. The person was “extremely tall” according to Officer ██████████. He stated he did not know his ethnicity at first but the person then turned his head toward him. At this point Officer ██████████ realized the person is African-American and that he fit the description that the dispatch had put out over the radio. He noted the description again, citing that the person, (Complainant) was wearing a red knit cap, black coat, brown slacks and black shoes.

Officer ██████████ stated that the Complainant’s height (He estimates the Complainant to be 6’3”- 6’5”), his clothing and his ethnicity, were factors in his decision to stop the Complainant, as was the fact that the Complainant was in the area of the reported crime. He also noticed that the Complainant had items “slung over his back” and observed that the area was not well lit. Officer ██████████ stated that he decided to detain the Complainant with the use of his service weapon, because he “matched the description dispatch gave over the radio...” He noted again that the Complainant had his back to him and that he could not see his hands. Officer ██████████ described drawing his weapon from his holster, initially pointing it at the ground and then supporting it with his left hand. He noted that he was indexed which means that his shooting/trigger finger was on the exterior of the weapon and straight, away from the trigger. He stated that he never put his finger in the trigger well.

Officer ██████████ said that as he was making the determination to stop the Complainant he recalled through his training and experience that, “felons can be dangerous. The situation was unknown. I did not see his hands.” He decided to conduct the stop and stated that he utilized a tactic referred to as the “low ready” to give the Complainant directives with the use of his service weapon. As he began to draw his weapon from his holster he said he gave the Complainant a command to stop. He drew his service weapon and pointed it initially at the ground. He said he gave another command, something to the effect of, “Stop!” “I’m Yale University Police Department!” The Complainant continued walking towards the Porter Gate. Officer ██████████ yelled a command to, “Stop!” The Complainant did not stop. He yelled it again and he said the Complainant stopped and turned around. Officer ██████████ stated the Complainant had his hands up immediately and went down to the ground, in compliance with his verbal directive.

As the Complainant was on the ground, Officer ██████████ approached with his service weapon in hand and got closer. He believed his initial contact where the Complainant responded to him was from a distance of about ten (10) feet. He approached the Complainant and got within one (1) to three (3) feet and saw that the Complainant was scared and shaking. Officer ██████████ quickly confirmed that the Complainant was a Yale student and where he was coming from, however, he did not clear him from being the person involved in this call. He recalled being re-holstered before his next transmission, which was that the complainant did not have orange shoe laces (the actual transmission is, “He doesn’t have orange on the sneakers.”). After that determination that he was not a threat, “I immediately tell him to get up. I’m confident he’s a student. I’m not confident that he’s not the person we’re looking for, but I think that the threat of

him being a dangerous felon is over.”

Officer [REDACTED] estimated that the time he had his service weapon out of its holster, including the time it took for the Complainant being ordered to the ground and re-holstering was very brief. He estimated it would be anywhere from four (4) to twenty (20) seconds at the maximum.

He stated that he pointed his weapon in the direction of but not directly at the Complainant, keeping his finger indexed and the weapon in a downward angle from the 90 degrees mark the entire time. Officer [REDACTED] noted instant compliance by the Complainant. He gave the Complainant a directive to get on the ground and he complied. Officer [REDACTED] quickly closed ground and approached the Complainant. The Complainant was quickly assessed as compliant and non-threatening and was immediately ordered to return to his feet, which he did. Officer [REDACTED] said he told the Complainant something to the effect of, “I know you don’t understand. I don’t have the time to explain but I will get in contact with you after this incident is over with.” Officer [REDACTED] then re-engaged in the attempts to locate the actual suspect he had been dispatched to the area for.

Officer [REDACTED] noted that he wanted to reach back out to the complainant because he described himself as a professional and that he had just come in contact with a possible member of the Yale community in a negative manner and noted, “That’s not something that I want to be known as, a bully, or somebody that takes advantage of people. So what I wanted to do was let him know that this is something, a necessity, this is a necessity of my job, yes, but at the same time, I can act as if I have some type of compassion for the individual.”

Officer [REDACTED] stated he did not have the time he needed to explain to the Complainant the details of his encounter with him. He told the Complainant he would contact him and he did the next evening. The following evening, on his day off, Officer [REDACTED] asked Lieutenant [REDACTED] if he could call the Complainant and permission was granted. Officer [REDACTED] responded to the police department and called the Complainant and explained to him the reason why he had the contact with him the night before. He told the Complainant that he did fit a description of a possible felony suspect and that he was just doing his job. He told him that he realized he was scared and that was a factor that helped him quickly assess and determine that he was not likely involved in the crime he was investigating.

Officer [REDACTED] concluded his statement by reaffirming that he was doing his job as a professional. He noted that he embodies honor, courage, commitment and integrity and that he is a man of his word. He stated, “It’s unfortunate, the circumstances that I met Mr. [REDACTED]. It was necessary at the time, under my professional opinion to, proceed in that manner. I treated him with respect and dignity, even when he was visibly shaken. I saw that, and when I saw that, that was a part of, a factor in why I didn’t continue through to detain him. It was a transition in my train of thought, so I went from wanting to detain him, wanting to stop him, wanting to catch a felon... that was my initial, seeing him. And then it changed from, I turn around, he was a college age student. I have a change in focus. Now it is to be a professional and to take the level down as much as I possibly can take it down. At that point I changed my demeanor when I was talking to him. I realized that I was threatening and it was, I had to take it off of being a forceful,

dynamic police officer doing a tactic to not being a tactician anymore. I spoke to him softly. I made sure that my tone was different... I realized that he wasn't a threat. I re-holstered my gun. I don't recall ever pointing the weapon at him. I always kept my finger off the trigger, out of the trigger well and I believe that any officer would have done the same thing in my position."

LEGAL STANDARDS FOR DETENTION

Officers receive multiple hours of training in the academy and in-service training specific to the legal standards for stopping and detaining a citizen. The Connecticut Office of the Chief State's Attorney issues yearly a Law Enforcement Guide to Search & Seizure & Arrest.

Reviewing the last issued publication dated June 2014 the guide states in Section H on Page 25 that police are permitted to briefly detain a person for a reasonable investigative purpose on the basis of a reasonable and articulable suspicion that the person has committed, is committing, or is about to commit a crime. **Terry v. Ohio, 392U.S. 1(1968); State v. Lamme, 216Conn. 172(1990).**

Reasonable and Articulable Suspicion: Specific and identifiable facts, and rational inferences drawn therefrom, which provide a particularized and objective basis for suspicion that criminal activity is afoot. **State v. Waz, 240Conn. 365, 373n.14(1997).** This requires more than a bare hunch or speculation, but less than probable cause. A possible innocent explanation for circumstances does not defeat a reasonable view of the circumstances as suspicious. **State v. Days, 89Conn. App. 789, 802(2005).**

Circumstances giving rise to a reasonable and articulable suspicion frequently involve some of the following: nervous, furtive or evasive behavior; unprovoked flight; knowledge of the situs as a location of certain criminal activity; temporal and spatial proximity to the scene of a crime; physical descriptions of suspects; knowledge of a suspect's past criminal record or behavior; and tips.

Force and Coercion: "The law recognizes the important need to allow authorities to graduate their responses to the demands of any particular situation." **State v. Nash, 278Conn. 620, 642 (2006).** Consequently, police are permitted to display or use force that is commensurate with the danger and resistance posed to effect and conduct an investigative detention. **State v. Wilkins, 240Conn. 489(1997).** Cooperative, peaceful and nonviolent suspects should not be handcuffed.

In **Wilkins**, for example, it was reasonable for a lone officer to remove two suspects from a vehicle at gunpoint and detain them in a cruiser. In **State v. Braxton, 196Conn. 685, 689-90 (1985)**, it was reasonable for a lone officer to secure a potentially violent suspect in a cruiser.

CRITICAL FACTS TO ASSESS:

- Did Officer [REDACTED] violate the departmental General Order for Use of Force?
- Did Officer [REDACTED] violate the departmental General Order for Patrol Procedures when he stopped the Complainant?

- Did Officer [REDACTED] use excessive force in his dealings with the Complainant?

Use of Force #302, Post Use of Force Procedures #401 and Patrol Operations #410

On 01-24-15 at approximately 1811 hours, Officer [REDACTED] was dispatched to a burglary in progress at Trumbull College. Several students called in about an intruder in their rooms and a description and last location of the intruder was reported by these students. The Yale Dispatch Center broadcast this information to all responding units, including Officer [REDACTED].

Recently, there had been several burglaries in this vicinity and YPD officers are trained to prepare themselves for these types of events and the potential encounter with these suspects. They are trained that burglars are felons who frequently carry weapons and/or items which can be used as weapons. They are also trained that burglars who enter residences that are occupied are of a unique type as they are highly motivated, dangerous and unpredictable. There is an elevated level of danger as this type of intrusion/burglary could easily turn into a home invasion and or a hostage situation. This increases the urgency for police responders, especially the first on scene with regards to police response and readiness.

Officer [REDACTED] was the first police officer to arrive on scene and he ran to the location where the suspect was last seen. Within seconds, he saw the Complainant, who matched the description of the burglar, about 300 feet from where the burglary took place, carrying several unknown bulky items and walking away from the scene. Officer [REDACTED] was alone and it was dark when he saw the Complainant.

From approximately 20 feet away from the Complainant, Officer [REDACTED] drew his department issued handgun and held it at the low ready, with his finger indexed along the receiver or frame of the gun. Officer [REDACTED] gave verbal commands to the Complainant to stop and lie face down on the walkway. Officer [REDACTED] closed the distance to the Complainant and soon after holstered his weapon, as the Complainant was compliant and non-confrontational. Within several seconds, Officer [REDACTED] was able to determine that the person he stopped was likely not the burglar, but a student carrying electronics gear. Officer [REDACTED] briefly explained to the Complainant that he would get in contact with him later to explain what was happening and then left the Complainant to continue his search for the burglar, but soon returned to obtain contact information from the Complainant. The burglar was stopped several minutes later about 200 feet away. He was arrested and charged appropriately. No one was injured.

After the arrest was made, Officer [REDACTED] completed a detailed report recounting all aspects of the incident including his initial contact with the Complainant.

Officer [REDACTED] conducted himself professionally and followed the procedures that are in the patrol operations general order. He called out his locations, responded to all pertinent radio transmissions and responded to the burglary in progress call (felony) with the proper protocol. When he thought he encountered the burglar he used the amount of force necessary as spelled

out in the Yale University Police Department's general order as well as the Connecticut statute. The moment that Officer [REDACTED] realized that the person he stopped was not the perpetrator and not armed, he holstered and de-escalated the situation. This is consistent with the use of force policy.

In accordance with General Order 401, he completed a Use of Force report which details the force used on the person he stopped while keeping his handgun at the low ready position. After careful review of this case with regards to General Orders 302, 401 and 410, Officer [REDACTED] operated in accordance of these general orders as written and taught.

No violations were noted as it relates to General Orders #302, #401 and #410

EVIDENCE

- General Order 302: Use of Force
- General Order 401: Post Use of Force
- General Order 410: Patrol Procedures
- Video Images of Officer [REDACTED] and Officer [REDACTED] encounter with the Complainant (Three separate camera views)
- Video Timeline
- Communications Dispatch Timeline
- Complainant Statement
- Complainant's Supplemental Responses to Initial Statement
- Officer [REDACTED] Statement
- Sergeant [REDACTED] Statement
- Lieutenant [REDACTED] Statement
- Phone Conversation between Officer [REDACTED] and Complainant Transcribed
- Photographs of Cross Campus and Incident Location
- Audio recording of all Yale Police Department's Radio Transmissions
- Digital recordings of statements taken
- Photograph of Complainant as he is preparing to exit the Bass Library
- Photograph of arrestee at the arrest scene
- Photographs of scene
- Audio and Video stream of the events involving Officer [REDACTED] and the Complainant

CONCLUSION:

During this investigation interviews were conducted and multiple documents including videos and audio recordings were analyzed. A review of interviews, documents, photographs, dispatch recordings and videos lead to the following conclusions:

1. Did Officer [REDACTED] violate the departmental General Order for Patrol Procedures when he stopped the Complainant?

The investigation led to the following conclusions:

- On 01-24-15 at approximately 1811 hours, Officer [REDACTED] was dispatched to a burglary in progress at Trumbull College.
- Several students called in about an unknown intruder in their rooms and a description and last location of this perpetrator was reported by these students.
- The Yale Dispatch Center broadcasted all of this information to all responding units, including Officer [REDACTED].
- Recently, there had been several burglaries in this vicinity and YPD officers are trained to prepare themselves for these types of events and the potential encounter with these suspects.
- Officer [REDACTED] was the first police officer to arrive on scene and he ran to the location where the suspect was last seen.
- Officer [REDACTED] stated that the description he recalled hearing on the police radio that night was that of a black male that was tall, wearing a black coat and a red and white hat.
- Officer [REDACTED] stated that within the first two or three minutes he saw someone matching the description of the burglar that dispatch had provided.
- He noted that he saw a person walking on the Porter Gate pathway that was tall, wearing a red hat and wearing a black coat. The person was “extremely tall” according to Officer [REDACTED]. He stated he did not know his ethnicity at first but the person then turned his head toward him.
- At this point Officer [REDACTED] realized the person is African-American and that he fit the description that the dispatch had put out over the radio. He noted the description again, citing that the person, (Complainant) was wearing a red knit cap, black coat, brown slacks and black shoes.
- Within seconds, he saw the Complainant matching the description of the burglar, about 300 feet from where the burglary took place, carrying several unknown bulky items and walking away from the scene.
- Officer [REDACTED] was alone and it was dark when he saw the Complainant.
- Officer [REDACTED] gave verbal commands to the Complainant to stop and lie in the face down position on the walkway.
- Within several seconds, Officer [REDACTED] was able to determine that the Complainant he stopped was likely not the burglar, but a student carrying electronics gear.
- Officer [REDACTED] briefly explained to the Complainant why he stopped him and Officer [REDACTED] left the Complainant to continue his search for the burglar, but soon returned to obtain contact information from the Complainant.
- The burglar was stopped several minutes later about 200 feet away. He was arrested and charged appropriately.

2. Did Officer [REDACTED] violate the Departmental General Order for Use of Force?

The investigation led to the following conclusions:

- On 01-24-15 at approximately 1811 hours, Officer [REDACTED] was dispatched to a burglary in progress at Trumbull College.

- Several students called in about an unknown intruder in their rooms and description and last location of this perpetrator was reported by these students.
- The Yale Dispatch Center broadcasted all of this information to all responding units, including Officer [REDACTED].
- Recently, there had been several burglaries in this vicinity and our officers are trained to prepare themselves for these types of events and the potential encounter with these suspects.
- Officer [REDACTED] was the first police officer to arrive on scene and he ran to the location where the suspect was last seen.
- Officer [REDACTED] stated that the description he recalled hearing on the police radio that night was that of a black male that was tall, wearing a black coat and a red and white hat.
- Officer [REDACTED] stated that within the first two or three minutes he saw someone matching the description of the burglar that dispatch had provided.
- He noted that he saw a person walking on the Porter Gate pathway that was tall, wearing a red hat and wearing a black coat. The person was “extremely tall” according to Officer [REDACTED]. He stated he did not know his ethnicity at first but the person then turned his head toward him.
- At this point Officer [REDACTED] realized the person is African-American and that he fit the description that the dispatch had put out over the radio. He noted the description again, citing that the person, (Complainant) was wearing a red knit cap, black coat, brown slacks and black shoes.
- Within seconds, he saw the Complainant matching the description of the burglar, about 300 feet from where the burglary took place, carrying several unknown bulky items and walking away from the scene.
- Officer [REDACTED] was alone and it was dark when he saw the Complainant
- From approximately 20 feet from the Complainant, Officer [REDACTED] drew his department issued handgun and held it at the low ready, with his finger indexed along the receiver or frame of the gun.
- Officer [REDACTED] gave verbal commands to the Complainant to stop and lie in the face down position on the walkway.
- Officer [REDACTED] closed the distance to the Complainant and soon after holstered his weapon, as the Complainant was compliant and non-confrontational. Within several seconds, Officer [REDACTED] was able to determine that the person he stopped was likely not the burglar, but a student carrying electronics gear.
- Officer [REDACTED] briefly explained to the Complainant why he stopped him and Officer [REDACTED] left the Complainant to continue his search for the burglar, but soon returned to obtain contact information from the Complainant.
- The burglar was stopped several minutes later, about 200 feet away, also matching the description given. He was arrested and charged appropriately.

POLICY AND TRAINING REVIEW

Three areas of deficiency have been identified through the course of this investigation. The term “low ready,” as it relates to Yale Police policy, the definition of the “pointing” of a firearm as it relates to Yale Police policy and the Body Camera Policy with regard to clarity as it relates to the “when to activate” are currently deficient as explained below:

“Low Ready” Definition

The “low ready” is a tactic that is taught at the Police Officer’s Standards and Training Council (POSTC) to all police recruits in the state. The technique is also reinforced through firearm training evolutions on an annual basis. After extensive research, it is found that the YPD Use of Force policy does not clearly define what the “low ready” is. This is a deficiency that should be addressed when this policy is reviewed at the department level. Appropriate training should follow.

“Pointing a Firearm” Definition

The Yale University Police Department’s General Order for “Use of Force” does not define the “pointing” of a firearm. This term should be clearly defined and it should be embedded in the department’s Use of Force policy. This is a deficiency that should be addressed when this policy is reviewed at the departmental level. Appropriate training should follow.

“Body Video Camera Activation”

Two supervisors were aware of the Department’s policy as it relates to the wearing of the Body Officer Video Camera, yet they both were not clear on when to activate the device. Both responded, when asked, that the device is to be turned on when a crime is in progress. Sergeant [REDACTED] was under the belief that the device was not to be turned on during a “casual encounter.” The policy clearly states that the device should be activated during any consensual or non-consensual encounter when the officer is engaged in official duties. It also notes that the device should be active during any human contact when dispatched to a call. This is a deficiency that should be addressed when this policy is reviewed at the departmental level. Appropriate training should follow.

RECOMMENDED FINDINGS PERTAINING TO OFFICER [REDACTED]:

Patrol Operations #410

EXONERATE

The investigation disclosed sufficient evidence to determine that Officer [REDACTED] did not violate department policy when he stopped and detained the Complainant.

The policy states:

Officers responding to the scene of an incident are responsible to:

- protect life;
- render aid to the injured;
- secure and protect the scene and any evidence;
- determine whether an offense occurred and the nature of the offense;
- attempt to determine the identity of suspect(s) and effect an arrest;

- broadcast suspect information and descriptions, method and direction of flight and other relevant information concerning wanted persons to other officers;
- identify witnesses and obtain their information;
- determine and reconstruct circumstances of the incident;
- arrange for the collection of evidence;
- accurately and completely record all pertinent information;
- document the incident and investigation in a case report.

Officer [REDACTED] adhered to the listed requirements during his response to the crime at issue in this investigation. Officer [REDACTED] conducted himself professionally and followed the procedures that are in the patrol operations general order. He called out his locations, responded to all pertinent radio transmissions and responded to the burglary in progress call with the proper protocol. He located a subject that closely matched the description provided by dispatch and he detained that subject within the limits of policy and his police training.

Use of Force Policy #302

EXONERATE

The investigation disclosed sufficient evidence to determine that Officer [REDACTED] did not violate department policy when he stopped and detained the Complainant. In addition he did not violate department policy when he drew his firearm from his holster and pointed it in the low ready position.

The policy states:

“Officers of this Department shall use only that amount of force reasonably necessary, given the facts and circumstances reasonably perceived by the officer at the time of the event, to effectively bring an incident under control and accomplish lawful objectives.” CTLEA 1.1.7

Officer [REDACTED] conducted himself professionally and followed the procedures that are in the patrol operations general order. Reasonably believing that the Complainant was the suspect in an active burglary matter, and based on the fact that the Complainant matched the description he was provided, Officer [REDACTED] used the amount of force necessary as spelled out in the Yale University Police Department’s general order as well as the Connecticut statute. The moment that Officer [REDACTED] realized that the person he stopped was not the perpetrator and not armed, he holstered and de-escalated the situation. The actions of Officer [REDACTED] were found to be in compliance with the Use of Force Policy.

Post Use of Force Procedures #401

EXONERATE

The investigation disclosed sufficient evidence to determine that Officer [REDACTED] did not violate department policy when he stopped and detained the Complainant.

The policy states:

USE OF PHYSICAL FORCE

- Whenever an officer uses physical force in the performance of their duties:
- A supervisor shall be notified as soon as possible when an injury is sustained or medical assistance is requested by the officer or by the person on whom the force was used.
- Officers will ensure persons injured by a police use of force receive prompt medical attention.
- All uses of less than lethal force will be fully documented in a case-incident report.
- If the officer involved is unable to prepare a report due to injury or incapacity, the Shift Commander or Shift Supervisor will assign another officer to investigate and prepare a report.
- Supervisors will review reports to ensure they are complete and accurate and will make appropriate notifications depending on the nature and seriousness of the incident.

In accordance with General Order 401, Officer ██████ notified his supervisor of his force used and completed a Use of Force report which details the force used on the person he stopped, noting that he kept his handgun at the low ready position while indexed the entire time.

DISCUSSION & CONCLUSION

After a careful review of the facts in this investigation, which include written testimony from the Complainant, written documentation from Officer ██████, statements from Officer ██████, Sergeant ██████, Lieutenant ██████, audio recording from Yale Police Emergency Dispatch, video surveillance footage, all applicable departmental orders and policies and training documents as it relates to acceptable police practices, the following discussion points and conclusions were reached:

With regard, specifically, to Officer ██████ and his actions that were in question by the Complainant, it is determined, based on all evidence assessed, that Officer ██████ was working well within the established and accepted procedures for a law enforcement officer as it relates to the tactic he deployed called the “low ready” technique with a “draw and direct” command presence, to dynamically assess the threat level of a potential burglary suspect. Officer ██████ was in uniform, as is confirmed by the Complainant in his written statement and by all officer accounts as well as video surveillance. Officer ██████ stated that he was responding to an emergency in progress and his description of that is shown in the video surveillance, as he is acting with a clear sense of urgency yet is not reckless in his movements. There is snow on the ground, it is dark, he is alone and he notes these items as well as notes that he sees someone whom he describes as fitting the description that he was provided by his emergency dispatch and that the person had items strapped to his back. Officer ██████ notes that the Complainant is tall. Officer ██████ height is 5’9.”

Officer ██████ makes a decision to stop the “suspect”, while giving himself the best tactical advantage he possibly can, given the circumstances. Officer ██████ notes during his formal interview that he wears his ballistic vest every time he is on patrol, even though it is not a requirement. He says that he wears it because he may need it to protect himself or others and

does not want to be killed. He recognizes the threat his job presents and articulates that this is one of the moments where he does not know what the outcome will be.

Officer [REDACTED] initiated the tactic used to conduct an investigatory stop on the Complainant, based on the reasonable suspicion that the Complainant may be a burglar or involved in a burglary. It takes a brief moment for the Complainant to understand that the officer he had just noticed was actually attempting to stop him. The Complainant notes that he did look at the officer briefly, but didn't "pay him any mind." He is not a criminal and the last thing he was expecting, rightly so, was a forceful contact with a police officer. Nevertheless, for reasons articulated, it happened. Once the Complainant realizes that the officer is speaking to him, he turns around and sees the officer's firearm being raised in his direction. The complainant, to his credit, complies immediately with the officer's command to get down on the ground.

When examining the officer's actions at this point, one key factor is time. How long did the event take and what happened in that timeframe? From the time Officer [REDACTED] made it clear to the Complainant that he was attempting to stop him, beginning with the Complainant's physical reaction of stopping his forward movement, turning toward the officer and the Complainant being completely on the ground, compliantly, to the time he was back on his feet was approximately twenty seconds. From the time of the "5-8-6. I have him right here," transmission to the "Disregard" transmission, a total of about twelve seconds elapsed. It is during this timeframe that Officer [REDACTED] used his service weapon in the "low ready" technique, initiated his stop with the Complainant and re-holstered his service weapon.

Officer [REDACTED] did draw his service weapon and used it to conduct a tactic that included verbal commands, to assess compliance of the person being stopped. The Complainant complies immediately and is quickly assessed as non-threatening. He is not handcuffed and quickly back on his feet, unassisted. Officer [REDACTED] explains to the Complainant that he sees he is frightened and shaken up but that he cannot explain everything to him right at that time, but told him he would get in contact with him later. The tactics used by Officer [REDACTED] are what was being questioned by the Complainant, specifically, his use of his handgun. In reviewing the departmental policies related to this event, there were no procedural violations committed by Officer [REDACTED]. General Order 302 states, "Officers of this Department shall use only that amount of force reasonably necessary, given the facts and circumstances reasonably perceived by the officer at the time of the event, to effectively bring an incident under control and accomplish lawful objectives." CTLEA 1.1.7

It is clear that this type of contact with a member of the Yale Community is not what Officer [REDACTED] intended. He clearly articulated his mindset with regard to his response in wanting to protect the Yale students that were calling about this criminal event. He noted the lighting conditions, the fact that he was alone and the fact that the Complainant fit the physical and clothing description he had been provided. These were factors that resulted in his stopping the Complainant. He was able to quickly assess that the Complainant, based on his immediate compliance, was not a threat, as is evidenced by the immediate command to have him stand up. The aforementioned circumstances often result in the prone handcuffing of the person being detained. That did not occur in this incident.

It would have been ideal if direct contact could have been made with the Complainant in this matter later that night, as opposed to phone calls, once it became known that the Complainant was visibly shaken and afraid of what had occurred. There was a lot going on with the arrest of the suspect and the speculation that the arrestee may have been involved in the spree of burglaries that had occurred at Trumbull College that month, as mentioned by Officer [REDACTED], Lieutenant [REDACTED] and some of the students that called in the crime. All were aware of the previous crimes and were basically on alert to this type of activity. As a law enforcement officer, it can be difficult to know how one's actions may impact someone, regardless of the time frame (in this instance it was seconds). Once aware, it is imperative that significant efforts are made to communicate with a complainant and try to do what Officer [REDACTED] did during his phone conversation with the Complainant. Officer [REDACTED] stated, and his behavior demonstrated, that he wanted to let the Complainant know he has compassion and that he was trying to do his job.

We find no fault with the actions of Officer [REDACTED], in their entirety, as they relate to this event.

Respectfully Submitted,

Lieutenant [REDACTED]
Administrative Lieutenant

Respectfully Submitted,

Lieutenant [REDACTED]
Professional Standards Lieutenant