

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the Norwich Police Department on October 26, 2021

Robert J. Devlin, Jr.
Inspector General

TABLE OF CONTENTS

INTRODUCTION	4
INVESTIGATION	5
SCENE AND SUMMARY	5
EVIDENCE AT SCENE	7
VEHICLE SURVEY	17
WEAPONS	20
BULLETS	20
OTHER PHYSICAL EVIDENCE	21
DIGITAL EVIDENCE.....	23
OFFICE DUPOINTE’S STATEMENT	25
WITNESS STATEMENTS	28
O’LONE’S CAPTURE AND ARREST.....	30
FINDINGS	32
LEGAL STANDARD	33
ANALYSIS	34
CONCLUSION	36
ADDENDUM	37
RECOMMENDATIONS	37
APPENDIX	38

Acknowledgments

The Office of Inspector General acknowledges the assistance provided to this investigation by the Connecticut State Police Eastern District Major Crime Squad, the Department of Emergency Services and Public Protection Forensic Science Laboratory, the Norwich Police Department, and New London Judicial District State's Attorney Paul J. Narducci.

INTRODUCTION

On October 26, 2021, Norwich Police Officer Scott N. Dupointe was on duty when at about 10:00 p.m., he responded to a 911 call reporting gunshots in the city. He dispatched to the area the shots were reported and encountered a male later identified as Andrew O’Lone who immediately fired multiple shots at the officer striking his patrol vehicle but missing the officer. Dupointe then fired his service pistol toward O’Lone as O’Lone fled the scene. No one was struck by gunfire.

The Office of Inspector General submitted a preliminary status report regarding this incident on November 1, 2021.¹ The details of the investigation are contained in this report.²

Briefly stated, the investigation establishes that at the time that Officer Dupointe discharged his firearm, Mr. O’Lone had just fired a semi-automatic rifle at Officer Dupointe and the officer was under the continuous belief that O’Lone was a threat to himself and members of the community. Accordingly, I conclude that under the circumstances presented, Officer Dupointe justifiably used deadly force.

¹ As relevant here, General Statutes § 51-277a(a)(1), provides, “Whenever a peace officer, in the performance of such officer’s duties uses ... deadly force ... upon another person, the Inspector General shall investigate and determine whether the use of physical force ... was justifiable under section 53a-22.” Although not required because no death occurred, the IG published a preliminary report keeping in the spirit of § 51-277a(a)(4).

² The timeline for this investigation is summarized as follows:

10/26/21: Date of incident;

10/26/21: Eastern District Major Crime detectives commence investigation;

11/1/21: Preliminary Status Report regarding the incident;

8/4/22: Office of Inspector General receives complete file from Connecticut State Police.

9/21/22: Office of Inspector General receives Norwich Police Department’s file from the New London State’s Attorney’s office.

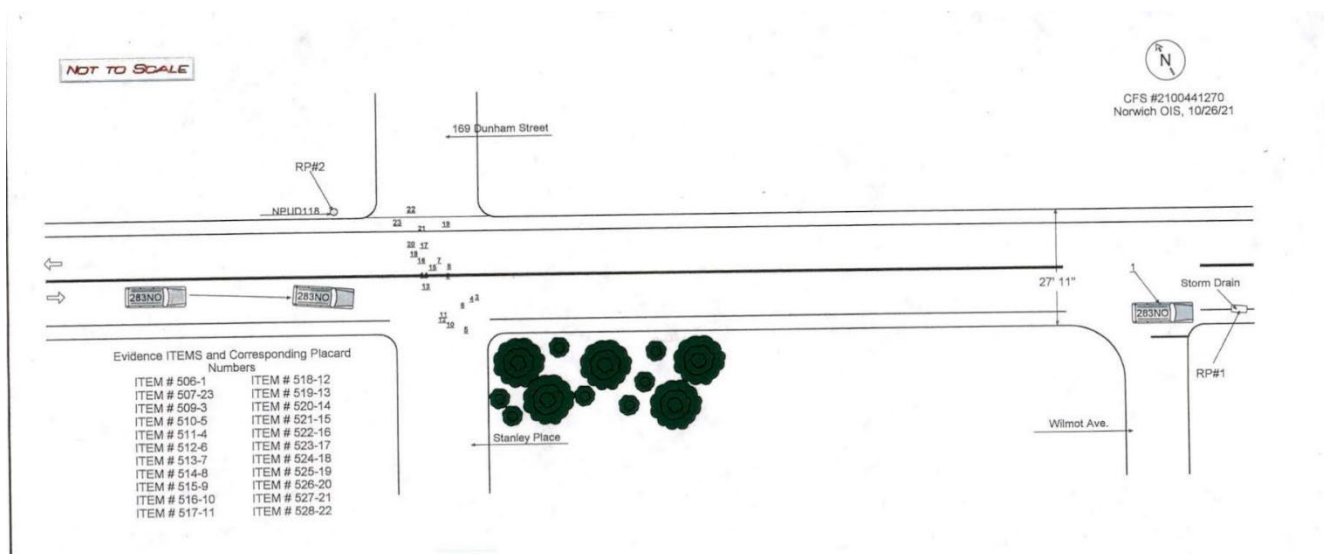
INVESTIGATION

Scene and Summary

On October 26, 2021, Scott N. Dupointe was a 38-year-old Caucasian male. He had been a member of the Norwich Police Department for 11 years and was working an overtime shift that evening dressed in full uniform and driving a marked police cruiser, a Ford Explorer, equipped with a mounted camera. He was carrying his assigned duty weapon, a Smith & Wesson M&P .40 caliber pistol loaded with 15 rounds in the magazine and one chambered round. He also carried three additional fully loaded magazines. A patrol rifle, unused in this incident, was secured in the vehicle. Dupointe was wearing a body worn camera (BWC).

At about 10:00 p.m., Norwich Police received multiple 911 calls reporting gunshots in the area of Westwood Park. One caller reported seeing a suspicious male in a wooded area. Dupointe drove toward Westwood Park. As he approached the intersection of Dunham Street and Stanley Place, he saw a male walking quickly in the roadway about 50 yards from him wearing a dark jacket, ski mask, and light-colored pants. That male was later identified as Andrew O'Lone, a 28-year-old Caucasian male. The area is not lit well at night and Dupointe turned on his vehicle's spotlight to get the male's attention and to help illuminate the area.

Westwood Park is a public housing development consisting of multiple apartments. It sits among a neighborhood of dozens of duplex- and single-family homes. The intersection of Dunham and Stanley is three blocks away from Westwood Park and borders a wooded area.



[Scene Sketch Map]

Now 25 yards from the officer and holding an AR-15 style rifle, O'Lone crossed in front of the police cruiser and immediately fired multiple shots in the direction of Officer Dupointe, nearly striking him and causing extensive damage to the vehicle. The first shot entered the passenger side window and several other rounds went through the windshield or struck the engine block. O'Lone turned toward Dupointe and walked past him, dropping the rifle on the ground. Dupointe took cover in the vehicle, peeking over the dashboard to keep an eye on O'Lone. Dupointe observed O'Lone in front of the vehicle and walking towards him continuing to fire the rifle. From his crouched position, Dupointe then attempted to drive his vehicle into O'Lone but the vehicle had become disabled and the transmission would not engage. As O'Lone got within a few feet of the vehicle, Dupointe drew his service pistol and opened the door to exit the vehicle with the intent to stop O'Lone from shooting. As he exited, he slipped and briefly fell onto the wet road injuring his hip and elbow. He momentarily lost sight of O'Lone but then saw him drop the rifle into a driveway.

Dupointe then turned and fired his service pistol two times toward O'Lone as O'Lone fled the scene west on Dunham Street towards Elizabeth Street. Neither Officer Dupointe nor Mr. O'Lone were struck by gunfire. Dupointe's disabled cruiser was still in forward motion and he had to briefly run to catch up to it. He then radioed dispatch that he had been shot at and described the assailant as a man with a brown jacket, black face mask and a long gun. He was able to bring the vehicle to a stop at Wilmot Avenue. Dozens of officers from various agencies responded to the scene including other officers from Norwich and the Connecticut State Police. Detectives recovered numerous spent cartridge casings in the area of the incident.

At about 10:45 p.m., a woman identifying herself as Susan O'Lone called the Norwich Police Department, said her son was mentally ill and had just shot at police. She said she lived in Columbia, Maryland and that her son's name was Andrew O'Lone. She said her son had called her and told her that he shot at police and wanted to turn himself in. She later added in a written statement that he dropped the gun, mask, and jacket after the shooting and walked home.

O'Lone turned himself in at his nearby residence a short time later.



[Dunham Street facing west showing where O’Lone crossed in front of Dupointe’s cruiser (not pictured)]

Evidence at Scene

Members of the Connecticut State Police Eastern District Major Crime Squad (EDMCS) were assigned to the investigation. They arrived on scene at about 1:00 a.m., the following morning. Detectives photographed the scene, collected evidence, and interviewed witnesses. Detectives determined that sunset that day was at 5:51 p.m., and the area had received just over ½ inch of rain that day. On the edge of the roadway in front of 169 Dunham Street, detectives observed a black rifle with a 30-round capacity magazine inserted laying on the ground with the edge of the barrel facing an approximate northwestern direction. The bolt was forward, the ejection port cover was open, and the safety was disengaged and the weapon was in a “fire” position. Detectives identified many spent rifle and pistol cartridge casings on the roadway. Detectives observed Officer Dupointe’s police cruiser to have many defects from bullets including the front push-bumper, right headlight, hood, and windshield. The back window was broken from what appeared to be bullets that had entered through the windshield, traveled the length of the passenger compartment, and exited the rear window.

At least three homes and several other vehicles were also struck by gunfire. Detectives observed a bullet hole through the top rear passenger door of a black Chevrolet Trax, registration AV19337 that was parked in the driveway at 180 Dunham Street. Two bullets struck a residence at 184 Dunham Street. The first went through the vinyl siding, passed through a wall, a table leg, through a room before becoming lodged in a staircase. The second bullet that hit the house entered through a metal storm door, the main door, finally lodging in a plaster wall. At 179 Dunham Street a bullet went into a window screen, the screen frame, window casing, and the window flashing. The bullets striking the aforementioned areas all traveled from a southern direction, detectives concluded. They found one bullet hole on the north side of a home at 26 Elizabeth Street Extension, suggesting it traveled from a northerly direction. This house is approximately 790 feet northwest from the corner of Stanley Place and Dunham Street.

At the intersection of Stanley Place and Dunham Street detectives collected the expended shell casings from the fired rounds as well as a rifle that had been dropped. The rifle was a Windham Weaponry rifle, model WW-15, .223/5.56, serial #WW117215. Inserted in the rifle was an empty 30-round magazine. In total, police found 18 spent cartridge casings of 5.56 caliber rifle rounds (a mix of "PPU 16" and "LC 19" brands) and two .40 caliber Federal rounds. In the accompanying scene sketch map produced by EDMCS, item 23 is the rifle, items 3-12 and 15-22 are the rifle casings and items 18 and 19 are the .40 caliber casings.³



[Bullet hole in hood of Officer Dupointe's cruiser]

³ For simplicity, this report references the items by their evidence placard numbers visible in the photos.



[Bullet holes in front windshield of Officer Dupointe's cruiser]





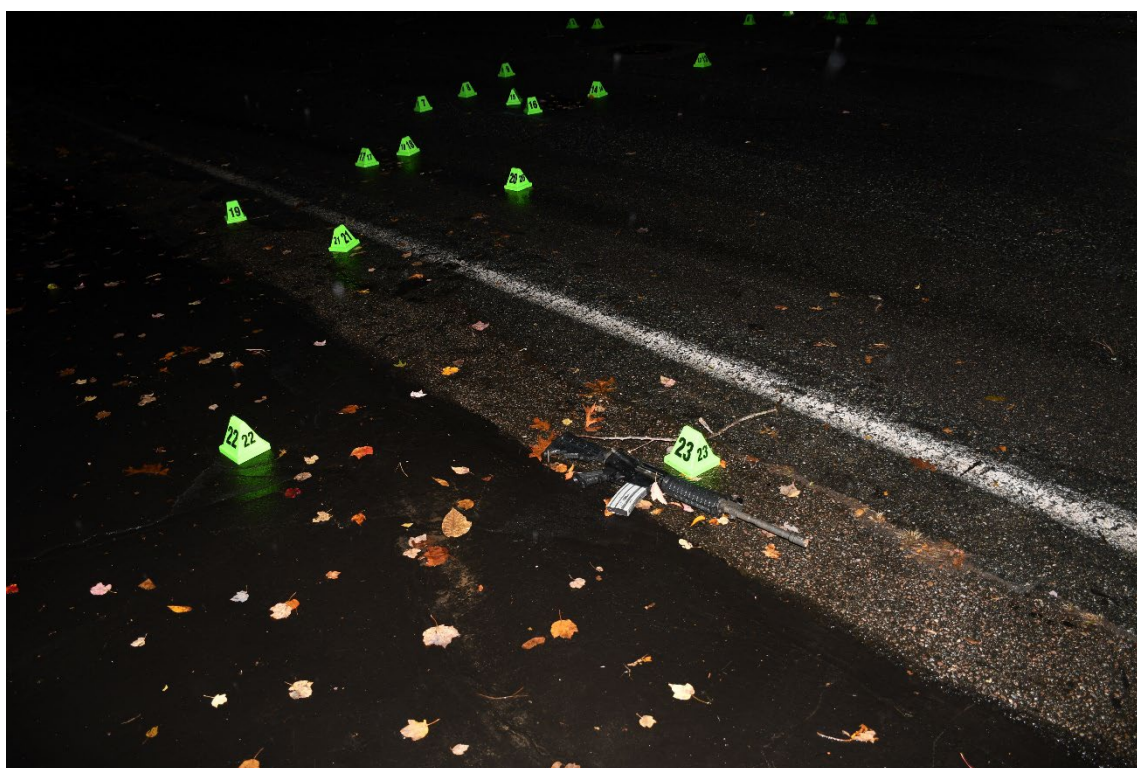
[Defects from bullets to right headlight of Officer Dupointe's cruiser]



[Defects from bullets to back window of Officer Dupointe's cruiser]



[O'Lone's rifle]



[Location of O'Lone's rifle and various cartridge casings]



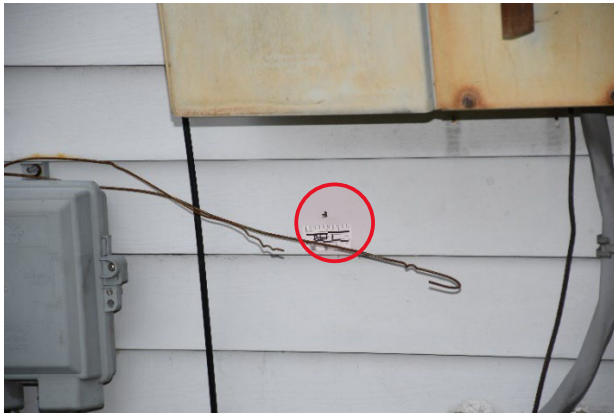
[Cartridge casing from O'Lone's rifle]



[Cartridge casing from Dupointe's pistol]



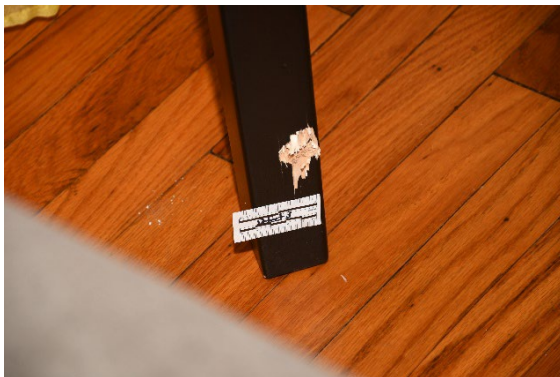
[Location of spent cartridge casings on Dunham Street]



[Damage outside residence of 184 Dunham Street]



[Damage inside residence of 184 Dunham Street]



[Damage inside residence of 184 Dunham Street]



[Damage outside residence of 179 Dunham Street]



[Damage outside residence of 26 Elizabeth Street Extension]

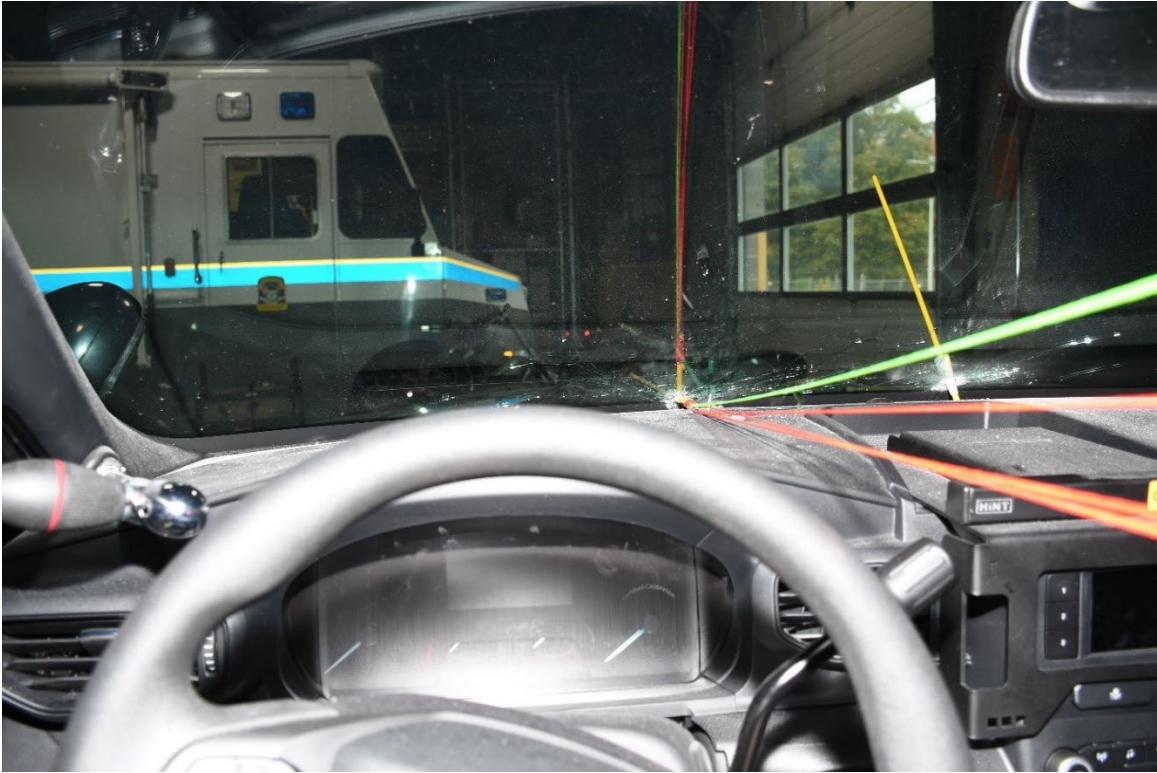


[Damage to Chevy Trax parked in front of 180 Dunham Street]

Vehicle Survey

State police detectives had Officer Dupointe's vehicle towed to the state police barracks in Montville where evidence was collected. Detective Waylon Kimball observed 11 defects in the vehicle from bullet strikes. Detective Steven Gardner used trajectory rods to show the paths of the bullets as they entered the passenger compartment of the vehicle. The evidence strongly suggests that had Officer Dupointe not ducked beneath the windshield of the vehicle, he stood a great chance of being struck by one of the bullets fired by O'Lone.





[Depicting trajectory lines of bullet fragments. Bottom photo is with Sergeant Brett Langevin seated in driver's seat.]

Weapons

O'Lone's Rifle

EDMCS detectives seized, photographed, and traced the rifle dropped by O'Lone. It was a Windham Weaponry model WW-15, 5.56 caliber, serial #WW117215. According to a firearms trace conducted by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) the weapon was last sold in June 2015 from a pawn shop in Jacksonville, North Carolina that is no longer in business. The rifle qualifies as an "assault weapon" under Connecticut law.⁴ Detectives removed an empty 30-round magazine, which is also illegal under Connecticut law.⁵

Officer Dupointe's Pistol

Detectives examined Officer Dupointe's duty firearm. It was a .40 caliber Smith & Wesson semi-automatic pistol, serial #HTJ0146 with an attached flashlight. Fully loaded, it has a capacity of 15 rounds in the magazine and one in the chamber. When examined, it had one chambered round and 13 in the magazine, indicating two rounds had been fired if the weapon was fully loaded prior to the incident. Officer Dupointe had a patrol rifle locked in the trunk of his police cruiser. This was also examined by detectives, but because no evidence suggests it played any part in this incident, those details are omitted from this report.



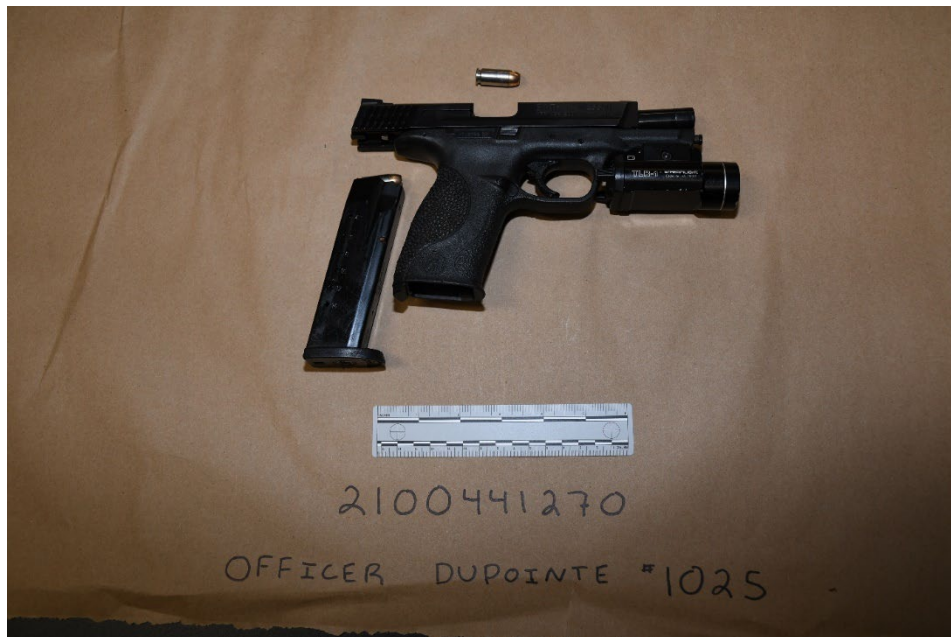
[O'Lone's rifle]

⁴ Per Connecticut General Statutes § 53-202a the rifle could be classified as an "assault weapon" because it is a semi-automatic center-fire rifle that can accept a detachable magazine and has a flash suppressor or a telescoping stock. This weapon has both.

⁵ See Connecticut General Statutes § 53-202w.



[O'Lone's rifle with empty 30 round magazine]



[Officer Dupointe's pistol with magazine]

Bullets

As noted previously, EDMCS detectives recovered 18 spent casings from a rifle and two from a pistol on Dunham Street. With the assistance of a K9 unit, detectives also found a single spent rifle cartridge in a wooded area near 9 Westwood Park, an area adjacent to O'Lone's

residence. Eleven defects were found in the police cruiser. Detective David Bennett seized three bullet fragments from the cruiser: one in the front passenger door airbag, another in the rear driver side roof above the seat, and the third in the engine compartment.

Other Physical Evidence

Detective Christopher Hubbard seized a black ski mask that had been located by Norwich officers outside the rear of the property at 10 Elizabeth Street Extension. Detectives also located a black jacket in the driveway at 10 Elizabeth Street Extension and a single black glove at the intersection of Dunham Street and Stanley Place. These items were consistent with the description of the shooter given by Officer Dupointe.



[Black jacket worn by O'Lone]



[Black glove worn by O'Lone]



[Black ski mask worn by O'Lone]

Digital Evidence

The encounter between Officer Scott Dupointe and Andrew O'Lone was recorded by a dashboard camera attached to Dupointe's cruiser. Officer Dupointe was also wearing a BWC that captured portions of the encounter including when Dupointe fired his pistol at O'Lone. Dupointe did not activate the audio on his BWC, therefore there is no sound on that video. The other responding Norwich officers also had BWCs with activated audio and, in some of those, Officer Dupointe can be heard describing what happened. The police radio also captures the moments immediately following the event.

Officer Dupointe's Dashboard Camera

As the vehicle approaches Stanley Place, a person dressed in facemask, black jacket, and lighter pants is seen moving right to left from Stanley Place across Dunham Street directly in front of Dupointe's vehicle. As a light shines on the person, he turns to face the vehicle, and begins firing a weapon which is held across his chest in his right hand. As the muzzle flashes, shots appear to strike the vehicle, which lurches forward, crossing the center line until it finally comes to a stop at Wilmot Avenue, smoke rising from the engine. In a wide-angle view from the dashcam, one can see O'Lone immediately jettison the rifle to the ground after he crosses in front of the vehicle before turning and running behind it.⁶

[To see the relevant portions of Dupointe's dashcam, click [here](#) and [here](#).]

⁶ The wide-angle view has been digitally altered to brighten and enlarge the image.

Officer Dupointe's BWC

As he is driving, the perspective of the BWC is the steering column, dashboard, mobile data terminal, and a portion of the windshield. At about :40 seconds one can see what appears to be shots striking the windshield of the vehicle, followed by hurried movement by Dupointe. At :50 seconds, he exits the vehicle, stumbles and falls, draws his handgun and fires it in the direction of O'Lone who is now running back along Dunham Street behind the police cruiser. Dupointe then turns back to his vehicle, which is continuing to move slowly and unoccupied down Dunham Street. He gets in the vehicle, picks up the radio microphone, and brings the vehicle to a stop at Wilmot Avenue, where he is met by some concerned citizens.

[To see the relevant portions of Dupointe's BWC, click [here](#).]

Norwich Police Radio

Immediately after he is fired at, Officer Dupointe gets on the radio and reports, "I've been shot at!" followed by, "I returned fire. I don't know if I hit him."

[To hear the relevant portions of the Norwich Police radio, click [here](#).]

Detective Hawrylik's BWC

Officer Dupointe described the encounter to Detective Chris Hawrylik, whose BWC was recording and captured the conversation. In relevant part, Officer Dupointe's comments are as follows:

"He came off of Stanley ... what happened is Steve I'm driving down and I come through the intersection of Oakwood Knoll, the stop sign here. He's walking off of Stanley Place and I see him. I spotlight him and as soon as I spotlight him, he turns and just starts opening fire on my cruiser. ... I'm ducking in my seat because I'm afraid he's going to hit me. So ... I try to run him over but that doesn't work so he runs by and I get out and I shoot at him and he just keeps running. I thought for sure I was dead because I had nothing."

[To see the relevant portions of Hawrylik's BWC, click [here](#).]

Norwich Housing Authority Cameras

Security cameras at the Norwich Housing Authority recorded O'Lone leaving his apartment at 9:51 p.m., appearing to hold a rifle and wearing a jacket, and returning at 10:09 p.m., wearing just a t-shirt without the rifle or jacket. A minute later he enters his apartment.



[Screenshots of O'Lone leaving his apartment armed at 9:51 p.m.]



[Screenshots of O'Lone returning unarmed and without discarded clothing at 10:09 p.m.]

Officer Dupointe's Statement

Officer Dupointe submitted a written statement regarding the events of October 26, 2021. That statement, prepared with the assistance of his attorney, Craig Manemeit, is reproduced in its entirety here:

I have been employed by the Norwich Police Department since September 13, 2010. I am currently assigned to the training division and currently work the day shift, Monday thru Friday, from 8:00 a.m. to 4:00 p.m.

On October 26, 2021 I was working an overtime assignment on the 4:00 p.m. to 12:00 a.m. shift. I was assigned to the West Side Late patrol area. I was wearing my department issued uniform and duty belt and was operating cruiser #44, a clearly marked Ford Explorer police cruiser. Cruiser #44 is equipped with a vehicle mounted camera. My duty belt had attached to it a holster containing my department issued Smith & Wesson M&P .40 caliber handgun which was loaded with fifteen (15) rounds of department issued Federal HST.40 caliber 165 grain ammunition in the magazine and one (1) additional round in the chamber. Additionally, I was carrying three (3) additional magazines which were each loaded with 15 rounds of department issued ammunition. My handgun was clean prior to going on duty and I am current on my annual firearm qualification training. Other than my department issued handgun, I carry my personal patrol rifle, a PWA AR-15 style .223 caliber rifle having 28 rounds in the magazine and one in the chamber. I also carry three additional rifle magazines each holding 28 rounds. I am current on my rifle qualification training. Finally, I have been issued, and was wearing, a body worn camera on my uniform.

At approximately 2155 hours, Officer Harsley, Sgt. Schmidt and I were dispatched to the area of Westwood Park for a report of shots fired. At the time of the dispatch I was located at the intersection of West Main Street and Dunham Street which is in very close proximity to Westwood Park. While en route to the area NPD Dispatch advised us on the radio that they were receiving numerous shots fired calls, with one caller stating they saw a male come into the area from a wooded area but was unsure if it was related.

Upon my arrival in the area, which was approximately one minute after receiving the initial dispatch, I stopped at the stop sign at the intersection of Dunham Street and Elizabeth Street Ext. I proceeded straight (Southbound) onto Dunham Street towards Stanley Place. As I approached Dunham Street and Stanley Place, I saw an individual wearing a dark colored jacket, ski mask and light-colored pants approximately fifty yards from me walking in a fast manner towards my location on Dunham Street. At the time, this section of roadway was dark and not well illuminated. Immediately after I saw the individual walking, I activated my vehicle's overhead

spotlights in order to get the person's attention and brighten up the area.

As soon as I activated the overhead spotlights, the individual, who was now approximately twenty-five to thirty yards away from me, began firing multiple rounds at me and my vehicle. The first round came through the front passenger side window of my vehicle and I would estimate an additional seven to eight rounds were fired into the passenger compartment with at least four rounds coming through the front windshield. I immediately took cover inside my vehicle. I was able to crouch down and make myself small enough to hide behind the steering wheel and firewall in the driver's compartment. While still taking cover, I peeked up over the dashboard in an attempt to see where the individual was. I saw him directly in front of my vehicle walking towards me. I remained in fear for my life as the individual continued to fire at me. From my crouched position, I attempted to engage the vehicles transmission into "Drive" intending to use my vehicle to strike the individual and stop the threat to my life. My vehicle, however, appeared to be disabled and would not move.

At this point, I looked up again and saw that the individual was approximately three to four feet away and was walking towards the driver side of my vehicle while he was still shooting at me. In fear the person was going to walk up to the driver's door of my vehicle and fire into the passenger compartment at me, I drew my department issued firearm within the vehicle and opened my door in an attempt to get out and stop the person from shooting at me. As I opened my driver side door the individual threw his firearm into an adjacent driveway.

As I exited my vehicle onto the wet road surface I slipped and fell onto my right side injuring my right elbow and hip. I briefly lost sight of the individual but when I got up from the ground and into a kneeling position, I was able to see the person running Northbound towards Elizabeth Street. It was clear the individual was violent, could be carrying additional weapons and was a threat to the public or other officers who were responding to the area. At this time, I discharged my firearm two times in the direction of the individual. I do not believe my rounds struck the individual. I re-holstered my firearm and advised NPD dispatch that I was shot at and gave a description of the person and the direction in which he/she fled.

A short time later, Detective Hawrylik arrived on scene and checked my injuries and subsequently called for an ambulance. I was transported to Backus Hospital by American Ambulance for my injuries to my right elbow and hip. While at Backus Hospital, I relinquished my side arm and duty belt to Detective Meikle and was then transported back to NPD Headquarters by him. I then changed into civilian clothing and turned the remainder of my uniform over to him.

At no time did I utilize my patrol rifle in any way during this incident. Finally, as this incident evolved so rapidly, I did not have a sufficient amount of time to activate my vehicles dash camera or my body-worn camera.

Witness Statements

EDMCS detectives conducted a canvass of the neighborhood and encountered several residents who heard gunfire and, in some cases, reported that bullets had entered their homes.

Ivonne Medal

Ivonne Medal of 26 Elizabeth Street Extension, provided a written statement that may be summarized as follows:

She was in an upstairs bedroom at around 10 p.m. when she heard an explosion. She looked at her camera monitor that does not record but didn't see anything. She smelled something burning. A few minutes later she heard noises that sounded like rapid gunfire. She didn't see anyone outside. She looked around and found a hole in her wall and in her mattress in her bedroom. The hole was not there before. She stated, "I was not hurt but I had to call my doctor because my ears hurt."

Lynette Ortiz

Lynette Ortiz of 184 Dunham Street, provided a written statement that may be summarized as follows:

She was home when around 10 p.m. she heard a loud gunshot. Then she heard several more. There was about a one-minute gap between the shots. She heard about 15 total. She looked out her bathroom window and saw a man running to Elizabeth Street Extension up the hill. It was a short black man with a white shirt. He had khaki pants. Her daughter was crying. They stayed quiet in her daughter's bedroom for an hour, afraid the shooter would hear them. They couldn't get back to sleep. The next morning, she came downstairs and found holes in the

living room wall and the front door. There was also damage to another wall, a table leg, a couch, and stairs. She and her daughter were crying and were very scared.

Stephanie Delgado

Stephanie Delgado of 180 Dunham Street told police she heard gunshots at about 9:58 p.m. She looked out her kitchen window and saw a man walking with a rifle in his hands. She described him as 5'11", slender, with a dark jacket, dark ski mask, red shoes and dark pants. She called 911. She later noticed her vehicle, a black 2019 Chevy Trax, had been struck by a bullet.

Nancy Dorman

Nancy Dorman of 179 Dunham Street told police she heard one gunshot and then a few minutes later heard four or five additional gunshots. She saw a police cruiser slowly running down the street and saw a man dressed in dark clothing running along the hedges of her front yard toward Elizabeth Street.

Gary Geraghty

Gary Geraghty of 183 Dunham Street said that at about 9:50 p.m. he heard gunfire coming from the direction of 169 Dunham Street. He then saw a man running across his front yard towards Elizabeth Street Extension.

Alma Banushi

Alma Banushi of 189 Dunham Street said that at around 10 p.m. she heard one gunshot and then two seconds later heard an additional seven shots. She then saw a man with curly hair running up the hill on Elizabeth Street Extension.

Thomas Peckham

Thomas Peckham of 9 Westwood Park said that at about 9:45 p.m. he saw a man walk out of the woods behind his house with a rifle and run towards the roadway. Minutes later he heard five gunshots in the distance.

Gaige Pugh

Gaige Pugh of 183 Dunham Street said he heard six or seven shots. He looked outside his home and saw a man running with something in his arms. He described the man as 6'0", skinny, with a hoodie or beanie hat.

O'Lone's Capture and Arrest

At about 10:45 p.m. a female identifying herself as Susan O'Lone called the Norwich Police dispatch on a recorded line. She said she resided in Columbia, Maryland and that her son, Andrew O'Lone, is mentally ill and had called her and said he had shot at police. She told officers he wanted to turn himself in and told them his address, 123 Westwood Park, which was a short distance away from the incident in the neighborhood where citizens had reported hearing gunshots. Susan O'Lone said that Andrew told her he had "an AR-15, I shot at police, and they shot back at me." She said he told her he dropped the gun. She also gave police Andrew's phone number. Asked where he got his gun, she said she did not know. Susan O'Lone later gave a written statement to members of the Howard County (Maryland) Police Department. In that statement she claimed her son was on medication and had a conservator. She also acknowledged he had called her and confessed to shooting at police.

O'Lone's address at 123 Westwood Park is the first floor of a two-story apartment complex facing the street which is part of a development owned by the Norwich Housing Authority. There are surveillance cameras in various locations, one of which captured O'Lone leaving and returning to his apartment that evening and was reviewed by Norwich detectives. It showed him leaving his apartment at 9:51 p.m., appearing to hold a rifle and wearing a jacket. At 10:09 p.m., he walks past the housing authority office wearing just a t-shirt without the rifle or jacket. A minute later he enters his apartment.

Sergeant Paul Piper of the Connecticut State Police called O'Lone on the phone number provided by his mother. O'Lone was cooperative and stated he wished to surrender. At 11:24 p.m., O'Lone walked out of his apartment and was taken into custody without incident. He was brought to the Norwich Police Department where he declined to be interviewed.

O'Lone is facing several charges in the New London Judicial District, including attempt to commit murder, attempt to commit assault in the first degree, and assault on a police officer. He has been held on a \$1 million bond since his arraignment.

Origin of O'Lone's Weapon

It would seem a matter of great interest in a case such as this is how did a mentally ill man who was under a court ordered conservatorship obtain a semi-automatic rifle? O'Lone did not appear to share how he obtained the weapon with any of the few people in his orbit. In a follow-up phone call with Norwich police, his mother told them she asked where he got the rifle and he replied, "None of your business mom."

Norwich police learned a man and a woman attempted to visit O'Lone at his apartment on October 28 at about 1:21 p.m., two days after the incident and when O'Lone was in custody.

The two people, later identified as Kelly O'Connor and Will Jerard, were interviewed by Norwich detectives. O'Connor told police she was friends with O'Lone and had gone there that day to check on him, unaware he had been arrested. She said Jerard spoke to others on the phone after stopping at the apartment and that is when they learned about the incident and O'Lone's arrest. She said Jerard expressed concern that his fingerprints might be on the gun because he had touched it on a prior occasion. O'Connor told police she was not aware O'Lone had a gun and did not know where he would have gotten one.

Next, police interviewed Will Jerard, who said he met O'Lone six years earlier when both were patients at Connecticut Valley Hospital. He said he and O'Lone occasionally smoked cigarettes together. Jerard told police he did not know where O'Lone obtained the rifle. Jerard said O'Lone got the weapon because people "broke into his apartment from time to time and he wanted a house defense weapon." Jerard said O'Lone claimed a burglar stole some change and some marijuana. Jerard said that O'Lone showed him the rifle "a decent chunk of time ago." Jerard stated he believed O'Lone had the rifle for "at least two and a half years." He recalled one time O'Lone took the weapon out and called it his "home defense weapon" and his "baby." Jerard said on several occasions O'Lone took the gun out of the closet and let him handle it. He said he never saw O'Lone fire the rifle and never saw any other guns in O'Lone's apartment. Jerard also stated he asked O'Lone where he got the rifle and O'Lone replied that it was none of his business.

Police determined O'Lone had dinner the night of the incident with another resident of Westwood Park, Tammy Grant and her ex-boyfriend Mark Marshall. Grant told police "something was wrong" with O'Lone and he was not talkative during dinner. Marshall said O'Lone told him he is on disability and plays video games all day.⁷ He said O'Lone seemed quiet and happy that evening. They parted ways between 6:00 p.m. and 7:00 p.m.

Norwich Detective Richard Cannata interviewed O'Lone's court-appointed conservator, Corina Vendetto, a registered nurse. She said she had been O'Lone's conservator since July 2019 and that he is diagnosed with schizoaffective disorder and is "paranoid." She said she visits him every two weeks and last saw him on October 21, 2021. She said she never saw a firearm in his apartment, O'Lone never talked about guns, and she had no idea how he could have acquired one.⁸

Detective Cannata also interviewed a nurse who regularly administered O'Lone's medication at his apartment. She said she believed he was taking his prescribed medication as

⁷ A search of O'Lone's apartment did not reveal any evidence of guns or ammunition, although police found several first-person shooter video games and an X-Box gaming system.

⁸ Although not required in a voluntary conservatorship, under the terms of her appointment by the Norwich Probate Court, Vendetto agreed to determine whether O'Lone owned or had access to firearms or ammunition and take immediate steps to secure them. The relevant probate documents are in the [Appendix](#).

required. She also said she never saw a gun in his apartment. She said that his baseline is “paranoid,” and she did not note anything out of the ordinary when she visited him the morning of October 26. After his arrest, police executed a search warrant at O’Lone’s apartment and found three prescription bottles in his name for benztropine and haloperidol (two doses). Haloperidol is an antipsychotic drug that can be used to treat schizoaffective disorder⁹ and benztropine is sometimes prescribed to help diminish side effects from the haloperidol.¹⁰ A daily ledger initialed by nurses accompanying the pill bottles indicates that he had been regularly taking all three medications, including on October 26.

Unfortunately, the question of where O’Lone obtained the rifle used to fire at Officer Dupointe is not answered by this investigation.

FINDINGS

1. On October 26, 2021, at 9:51 p.m., Andrew O’Lone walked out of his apartment at 123 Westwood Park wearing a black jacket and carrying a semi-automatic rifle that was loaded with a 30-round capacity magazine containing an unknown number of bullets, and walked to a wooded area near 9 Westwood Park, where he fired at least one shot, which likely struck a home at 26 Elizabeth Street Extension.
2. Hearing gunfire, several concerned citizens called police, who dispatched officers to the area, including Officer Scott Dupointe, who arrived in the area at 9:57 p.m. As he approached the intersection of Dunham Street and Stanley Place, Andrew O’Lone crossed in front of his police cruiser, walking right to left, and immediately began opening fire on Dupointe, who quickly ducked and avoided being hit.
3. Dupointe tried to drive at O’Lone but his vehicle was disabled. Dupointe drew his service pistol, stumbled out of the vehicle, turned to the rear to face O’Lone, who was running away from him, and fired two shots at him, missing.
4. O’Lone fired a total 18 rounds at Dupointe. Eleven of those struck the cruiser, some of which were lodged in the vehicle and some of which passed through it. Several rounds struck at least three nearby homes and another vehicle. Immediately after firing, O’Lone tossed the weapon to the ground, and he discarded his ski mask, jacket, and a glove a short distance away before retreating to his apartment at about 10:10 p.m.

⁹ Nichols, Charles D., et al. “5-Hydroxytryptamine (Serotonin) and Dopamine.” Goodman & Gilman’s: The Pharmacological Basis of Therapeutics, (14th Ed. 2022) Eds. Laurence L. Brunton, and Björn C. Knollmann.

¹⁰Aminoff, Michael J. “Pharmacologic Management of Parkinsonism & Other Movement Disorders.” Basic & Clinical Pharmacology, (15th Ed. 2020) Eds. Bertram G. Katzung, and Todd W. Vanderah.

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 October 26, 2021, in relevant part, provides:

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

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

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

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

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

The statute further provides:

“For the purpose of evaluating whether the actions of a peace officer ... are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to, whether (A) the person upon whom deadly force was used possessed or appeared to possess a deadly weapon, (B) the peace officer ... engaged in reasonable de-escalation measures prior to using deadly physical force, and (C) any conduct of the peace officer ... led to an increased risk of an occurrence of the situation that precipitated the use of force,” §53a-22 (c)(2).

Accordingly, a police officer is justified in using deadly physical force upon another person when the officer reasonably believes such force to be necessary to defend the officer or a third person from the use or imminent use of deadly physical force. “Deadly physical force”

means “physical force that can be reasonably expected to cause death or serious physical injury.” General Statutes § 53a-3(5). “Serious physical injury” means “physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.” General Statutes §53a-3(4).

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

The United States Supreme Court has explained this test in a civil rights case: “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene rather than with the 20/20 vision of hindsight. ... [T]he calculus of reasonableness must embody allowance of the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-97, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989).

ANALYSIS

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

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

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

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

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

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

In this case, Officer Dupointe was responding to a report of gunshots fired in a residential neighborhood. Almost immediately, he encountered O'Lone, who came out of a wooded area and began firing at him, ambush style, with a semi-automatic rifle. O'Lone peppered his marked police cruiser with 11 shots, firing 18 rounds in total in less than eight seconds. But for his quick reaction in taking cover in the vehicle, Dupointe stood a good chance of being shot that night by at least one of the high-powered rifle rounds.

Dupointe attempted two times to use deadly force against O'Lone. The first time was when he tried to drive his cruiser into O'Lone in an attempt to stop him from firing. In this circumstance, a vehicle is considered a deadly weapon because its use to strike another person would reasonably be expected to cause death or serious physical injury. Because O'Lone was actively firing at him when he tried to run into him with the vehicle, Dupointe's actions were taken to defend himself from the use of deadly force and were therefore justified. A reasonable officer in that situation would have shared that belief.

The second instance of use of deadly force by Officer Dupointe occurred when he fired two shots at an unarmed O'Lone as he fled. Because the officer fired at O'Lone knowing he no longer possessed the rifle and was running away from him, this use of deadly force requires a closer examination. In his statement, Dupointe claims he drew his weapon while still in the vehicle, in fear that O'Lone would walk up to the driver's side door and shoot him. This would certainly have been a reasonable assumption. As he opened the door and exited, Dupointe placed himself in danger as he would be more exposed. He said he stumbled briefly before getting up and seeing O'Lone running away from him. He said he concluded O'Lone was violent, could have another weapon, and might continue to pose a threat to other responding officers or members of the public, which is why he said he discharged his pistol two times at O'Lone. These assumptions are all reasonable given that O'Lone had just attempted to murder a police officer. It is notable that Officer Dupointe fired his weapon only about five to seven seconds after O'Lone's last shot, suggesting the officer was responding to what he perceived as a continuous threat. Furthermore, he fired only two times, as O'Lone increased his distance from the officer. Given the circumstances of the ambush assault he faced, it cannot be said that Officer Dupointe's use of deadly force was unreasonable as it was undertaken to defend third persons from deadly force. A reasonable police officer would have shared Dupointe's belief of third-party danger.

Regarding the additional analysis required of the officer's conduct, there is no question O'Lone possessed a deadly weapon. De-escalation measures would not have been appropriate or safe under the circumstances. Finally, Officer Dupointe's own actions in no way created a situation triggering use of deadly force.

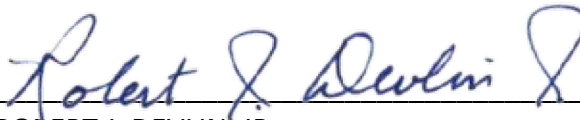
CONCLUSION

The investigation establishes that Officer Scott Dupointe used deadly force against Andrew O'Lone to stop O'Lone from shooting at him and to prevent O'Lone from possibly shooting at others. I therefore conclude that each instance of use of force was justified under Connecticut law. The Office of Inspector General will take no further action on this matter.

Submitted, this 29th day of March, 2023.



ANDREW J. SLITT
SUPERVISORY ASSISTANT STATE'S ATTORNEY



ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL

ADDENDUM

Recommendations

Conservators appointed by a probate court to oversee the affairs of a person may be appointed on a voluntary or involuntary basis. A “User Guide” published by the state Office of the Probate Court Administrator offers different guidance to a conservator regarding possession of firearms based on the type of appointment. In a voluntary conservatorship, such as with Andrew O’Lone, a conservator would not have been ordered to prevent his access to firearms. Because here O’Lone gained access to an assault weapon and nearly assassinated a police officer, the Connecticut Probate Courts should consider re-examining whether the firearms restrictions should apply to a person sufficiently incapable of caring for him or herself that the person is subject to a voluntary conservatorship.

APPENDIX

COURT OF PROBATE

COURT OF PROBATE, DISTRICT OF Norwich

DISTRICT NO. 29

ESTATE OF/IN THE MATTER OF

Andrew O'Lone (19-00119)

At a court of probate held at the time and place of hearing set by the Court, together with any continuances thereof, as of record appears, on the petitioner's application for the acceptance of the resignation of the Conservator and the appointment of a Successor Conservator.

PRESENT: Hon. Charles K. Norris, Judge

After due hearing, THE COURT FINDS that:

Sworn return is made that notice was given in accordance with any order of notice previously entered.

Anne L. Masterson, Esq., Conservator of the Person and Estate, having filed in Court her written resignation as Conservator of the Person and Estate, the Court accepts said resignation. The Court hereby appoints Corina Vendetto of New London, CT, Successor Conservator of the Person and Estate, who appears in Court and accepts said position of trust.

The assets being minimal, probate bond is not required.

And, it is ORDERED AND DECREED that:

Corina Vendetto is appointed Successor Conservator of the Person and Estate as aforesaid. Said Successor Conservator shall file in Court an Inventory of all of the estate remaining on hand within two months from the date hereof.

The Court assigns the conservator(s) of the estate the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

Banks and other financial institutions

Claims and litigation

Benefits from governmental programs or civil or military service

The Court assigns the conservator(s) of the person the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

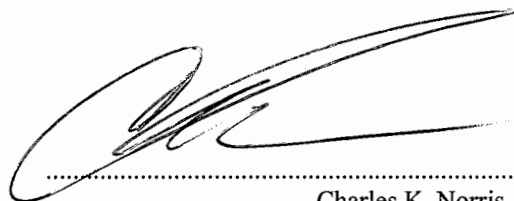
Personal care, comfort, safety and maintenance

Medical or other professional care, subject to C.G.S. section 45a-656 (d)

Residence, subject to C.G.S. section 45a-656b

The remaining assets of said estate be delivered, transferred and paid over to Debra Calkins, Successor Conservator of the Estate.

Dated at Norwich, Connecticut, this 23rd day of July, 2019.



Charles K. Norris, Judge

CERTIFICATION/
MAILING OF DECREE
PC-152 NEW 7/13

STATE OF CONNECTICUT
COURT OF PROBATE

COURT OF PROBATE, Norwich Probate Court

DISTRICT NO. PD29

ESTATE OF/IN THE MATTER OF

Andrew O'Lone (19-00119)

PETITION FOR:

Resignation of Conservator of Person and Estate and Appointment of Successor

DATE OF DECREE:

7/23/2019

CERTIFICATION

The undersigned hereby certifies that a copy of the above decree was mailed on 7/23/19 to the following as provided in the Probate Court Rules of Procedure, section 8.2:

Name and Address

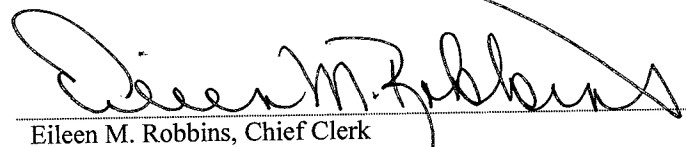
Susan O'Lone, 150 Yantic Street, #235, Norwich, CT 06360

Andrew O'Lone, 123 Westwood Park, Norwich, CT 06360

ANNE LINTON MASTERSON, LAW OFFICE OF ANNE LINTON MASTERSON, LLC, 116 BROADWAY, NORWICH, CT 06360

Corina Vendetto, P.O. Box 1535, New London, CT 06320

Andrew O'Lone, 123 Westwood Park, Norwich, CT 06360



Eileen M. Robbins, Chief Clerk

- Maintain complete records of my management of the estate, including but not limited to, all journals or ledgers, bank statements or passbooks, deposit slips, cancelled checks or check images and receipts for disbursements, as listed in Probate Court Rules of Procedure, section 36.13. I understand that I must maintain these records until the court approves my final financial report or account and the expiration of any applicable appeal period.
- Complete the financial report or accounting or have a professional complete the report or accounting. I understand that reasonable fees associated with the preparation may be charged to the estate.
- If the court has required a probate bond:
 - Report to the court the receipt of additional assets or income or capital gain from the sale of assets if the aggregate amount exceeds 10% of the probate bond or \$50,000, whichever is greater.
- If assets are held in a restricted account:
 - Submit proof of deposit of funds into the restricted account within 10 days of receipt of assets.
 - Seek Probate Court approval for withdrawal requests in writing and show the exact amount to be withdrawn and an explanation of the proposed use of the funds.
 - Submit verification, PC-412, Verification Re: Restricted Account, indicating that the restricted account remains in force, when filing any financial report or account.
- Immediately determine whether the person under conservatorship owns or has access to firearms, ammunition or electronic defense weapons and take immediate steps to secure them, unless the court has specifically assigned this obligation to another conservator.
- Seek Probate Court approval prior to the sale or transfer of real property or making gifts or other transfers of funds or assets belonging to the person under conservatorship, including transfers to trusts.
- Notify the court of any change of address of the person under conservatorship, my address or the address of other parties interested in the conservatorship. I will also immediately notify the court if the person under conservatorship dies.
- If requested by the court in connection with a statutory review, file a Conservator's Report, PC-371, and obtain and file a PC-370, Physician's Evaluation/Conservatorship, of the person under conservatorship.
- Continue to educate myself regarding the role and responsibilities of a conservator of the estate. I understand that there is online training for conservators available at ctprobate.gov, in which I am encouraged to enroll.
- I understand that failure to comply with these conditions may result in a court hearing to determine whether or not I may continue as conservator.

The representations contained herein are made under the penalty of false statement.

Signature	<i>Corina Vendetto</i>	Signature	
Type or Print Name	Corina Vendetto	Type or Print Name	
Date	5 JUL 2019	Date	
Address	P.O. Box 1535 New London, CT 06320	Address	
Telephone Number		Telephone Number	
Email Address		Email Address	