

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the Bristol Police Department on January 12, 2023

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Inspector General

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Acknowledgements

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

Department of Emergency Services and Public Protection, Division of State Police, Western District Major Crime Squad

Department of Emergency Services and Public Protection, Division of State Police, CARS UNIT

Bristol Police Department

Hartford Police Department

Farmington Police Department

New Britain Judicial District State's Attorney's Office

INTRODUCTION

On January 12, 2023, at approximately 12:30 p.m., Jimmie Shoemaker-Gonzalez¹ illegally entered a marked Bristol Police Department cruiser that was parked on Quaker Lane, Bristol and proceeded to steal the police vehicle. As he started to drive away, Bristol Police Officer Seth Petzing² fired four rounds at the fleeing cruiser striking and wounding Shoemaker-Gonzalez. Shoemaker-Gonzalez continued to flee, traveling approximately two and one-half miles before crashing into an occupied restaurant. As required by statute³, the Office of Inspector General (OIG) investigated this incident. The results of the investigation are contained in this report.

As detailed herein, the question of whether Officer Petzing's use of deadly force was justified is not free from doubt. Indeed, some would argue that shooting at a moving vehicle under the circumstances presented here is per se unjustified. Given the exigencies of this fast-moving dynamic event, however, I have concluded that the evidence is insufficient to establish beyond a reasonable doubt that the shooting was not justified. Accordingly, the OIG will take no further action in this matter.

INVESTIGATION

Hartford Carjacking Incident

On January 12, 2023, at approximately 9:17 a.m., Owner 1 parked his blue 2004 Dodge Durango (CT Reg 4AU KG2) in front of a convenience store located at 542 Park Street, Hartford. At that time, a male, later identified as Jimmie Shoemaker-Gonzalez, approached the driver's door of the Durango. According to Owner 1, the male immediately opened the driver's door, grabbed Owner 1's left arm, and attempted to pull him from the vehicle. Owner 1 exited his vehicle and engaged the male in a physical struggle. During the fight, the male produced a blue folding style knife and swung it at Owner 1, contacting his left shoulder. The knife did not puncture the clothing. The male then swung the knife again contacting Owner 1's forehead. Owner 1 then disengaged with the male and ran into the store asking the clerk to call 911.

¹ On January 12, 2023, Jimmie Shoemaker-Gonzalez was a thirty-nine-year-old mixed-race male with dark skin. Some witnesses described him as Black and others as Hispanic.

² On January 12, 2023, Officer Seth Petzing was a thirty-one-year-old Caucasian male. He had been a Bristol police officer for eight years and had no relevant disciplinary history.

³ As relevant here, General Statutes §51-277a(a)(1) provides: "Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of force by the peace officer was justifiable under section 53a-22."

Owner 1 saw the male in the driver's seat of his Durango drive away on Park Street. Owner 1 received a laceration to his forehead for which he received four stitches at Hartford Hospital.

Later that morning, Shoemaker-Gonzalez was driving the stolen Durango on Scott Swamp Road in Farmington. While passing a Connecticut Department of Transportation (DOT) snowplow truck, the Durango struck the plow blade and spun out of control. The Durango continued out of control onto the access road for the Westwood II Condominiums at 312 Scott Swamp Road striking a fence and rock wall. The vehicle, having sustained extensive damage, proceeded into the condominiums where it was abandoned by Shoemaker-Gonzalez.



[Durango]

Farmington Carjacking

Nissan Versa

On January 12, 2023, Owner 2 remotely started his 2014 Nissan Versa (CT Reg 6AHBMO) that was in a parking space at the Westwood II Condominium Complex. The car remained locked. A short time later when Owner 2 exited his apartment to leave for work, he discovered that the front driver's window was smashed and there was glass in the passenger compartment. There was also what appeared to be blood on the steering wheel and on a tissue box on the front passenger seat. Owner 2 did not observe who attempted the car theft, but estimated that it occurred around 11:55 a.m.

Owner 2 located a set of keys to a Dodge in his Nissan Versa that did not belong to him. He turned the keys over to the Farmington Police Department. The owner of the Durango (Owner 1) later identified the keys as his.

Nissan confirmed that when a 2014 Versa key fob is used to remotely start the vehicle, the vehicle must be locked and cannot be driven without putting a key into the ignition.

Nissan Rogue

On January 12, 2023, Owner 3 and her friend were at the Westwood II Condominiums looking at a unit to rent. At the conclusion of the apartment tour, they entered Owner 3's silver Nissan Rogue (CT Reg AR61132). A man ran up to the driver's side window. He banged on the window with a knife and was pulling on the driver's door handle. The door was locked and did not open. Owner 3 drove away from the man and out of the parking lot. Owner 3 described the suspect as a thin black male wearing a tan and green plaid shirt. Police later identified the suspect as Jimmie Shoemaker-Gonzalez.

Toyota RAV4

At approximately noon, Owner 4, who lived at the Westwood II Condominiums, went outside of his unit to start his car, a 2019 Toyota RAV4, color silver (CT Reg BE89539). He saw a silver car parked in the travel portion of the parking lot. A man was standing outside of the car hitting the window with his fist. When the silver car pulled away, the man (a black male who had a covering over his face) came toward Owner 4 with a knife in his hand. The man tried to stab Owner 4 in the neck, but Owner 4 was able to block him with his arm. During the ensuing fight, the knife pierced through Owner 4's jacket and cut his right arm. The man was able to pull Owner 4's coat over his head and demanded Owner 4's car keys. Owner 4 eventually pulled out of his coat. He threw his keys away and ran back to his apartment. The man, later

identified as Jimmie Shoemaker-Gonzalez, drove off in Owner 4's silver Toyota RAV4 toward Bristol.

Bristol Dispatch

On January 12, 2023, from approximately 12:20 p.m. to 12:40 p.m., Bristol Dispatch recorded the following relevant communications:

12:20:07 (596) – All units. BOLO from Farmington for a Nissan Rogue. High speed into Bristol from their town.

12:20:57 (603) – If you could just check Route 6 coming in westbound from Farmington for that Nissan, either Rogue or Murano. High rate of speed.

12:22:14 (610) – How did they obtain the vehicle in Farmington after the other one crashed?

12:22:25 (611) – Sounds like they just took that vehicle ...

12:22:31 (612) -- Ten four. Was there weapons used ... I guess that's my question ... guns ... or they just hopped into a running car. Did we figure that out?

12:22:31 (614) – 14 and Car 3 and anyone else on this BOLO: It was taken in a carjacking, unclear on weapons, but a knife was used in the previous one with the Durango.

12:27:30 (633) – 3 and 6 be advised: it was not a Nissan. It was a silver RAV4 that was taken.

12:27:51 (636) – (Unintelligible) have a plate on it?

12:27:56 (637) -- Negative

12:28:02 (638) – Farmington is dealing with a language barrier. They are still on the phone with the complainant ... third party.⁴

12:30:19 (641) – 8 to 21: They are across the street.

12:30:32 (643) – They are across the street.

⁴ Owner 4 was not fluent in English. His wife, who was in New York City, acted as an interpreter for the Farmington PD.

12:31:56 (645) – Bristol all units: that suspect vehicle now is currently a silver Toyota RAV4, 2019 silver RAV4, plate is Bravo Echo 895392.

12:32:10 (646) – Bristol: I have that vehicle in the drive. In front of 209.

12:33:22 (657) – (Unintelligible) he's taking off. He'll probably go to the entrance of, ah, Davis Drive.

12:34:10 (665) – Heading towards (unintelligible) on foot.

12:34:17 (667) – Has a knife, possibly in his hand.

12:34:21 (668) – Bristol: clear the channel. Don't say anything. Give an order to patrol.

12:34:43 (669) – He's got a cop car.

12:34:49 (670) – Stole a cop car! Stole a cop ...!

12:34:57 (671) – Fired. Shots fired.

12:35:09 (676) – Stole car 257. Heading north on Jerome. High rate of speed.

12:35:16 (677) – Six behind him. Six behind him.

12:35:33 (678) – Jerome and Maple.

12:35:50 (679) – Down Mix.

12:36:00 (681) – Approaching Route 6.

12:36:06 (681) – 106. He did have his knife on him.

12:36:13 (682) – He's approaching Route 6. He's way ahead of me now.

12:36:24 (683) – Bristol: he does not have any lights on.

12:36:37 (684) – (Unintelligible) hit once or twice ... unknown.

12:36:42 (685) – Down Brook Street. Southbound on Brook.

12:37:02 (687) – Southbound on Brook. If that’s not someone down there, he activated the lights.

12:37:11 (688) – Why don’t you guys go to event one or something like that ... he can hear the radio.

12:39:13 (694) – Bristol: we got him (unintelligible) in the car.

Police Reports

Sergeant Joshua Pratt

On January 12, 2023, at approximately 12:30 p.m., Sergeant Pratt heard Bristol Dispatch put out a broadcast that a silver 2019 Toyota RAV4, CT reg BE89539, was stolen out of Farmington. Shortly after this transmission, Sergeant Pratt entered Davis Drive in Bristol and observed the stolen vehicle traveling at a slow rate of speed. The vehicle pulled in to park in a vacant spot. Sergeant Pratt positioned his cruiser directly behind the RAV4 to prevent the driver from escaping. Sergeant Pratt then exited his cruiser and moved to the passenger side door of the RAV4. He had his firearm pointed at the operator, later identified as Jimmie Shoemaker-Gonzalez.

Sergeant Pratt’s report continues:

“While conducting the felony stop, I was clearly visible in my uniform and ordering him to turn off and exit the vehicle. Jimmie was making eye contact with me then turned around and looked at my marked cruiser which would make any reasonable person aware that they are not free to leave. Instead, he chose to put the vehicle into reverse, struck the front bumper of my cruiser and then into [drive] moving forward and striking a guardrail located in front of him. He sped away at a high rate of speed and struck a dumpster and continued to drive over a grass area while Officer McIntyre ran after the vehicle on foot. He then drove down a slight ravine and into a guardrail where the vehicle came to rest. Jimmie was seen exiting the stolen vehicle where he later stole a police cruiser, #257.”

During this time, neither Sergeant Pratt’s body-worn camera nor the dash camera in his cruiser were activated. Both, however, were activated later.

Officer Scott McIntyre

On January 12, 2023, Officer McIntyre was dispatched to Farmington Avenue at Camp Street to assist Farmington PD with a stolen vehicle (silver RAV4 CT reg BE89539). The RAV4

was reported to be carjacked and stolen at knifepoint with slashing type injuries to the victim. Officer McIntyre was unable to locate the vehicle.

Sergeant Pratt located the vehicle in a parking lot at Davis Drive. The driver, later identified by his DOC information and photo as Jimmie Shoemaker-Gonzalez, was the only occupant in the vehicle. The vehicle was running. Officer McIntyre and Sergeant Pratt initiated a felony stop and ordered the operator to surrender. Ignoring this order, he backed up the RAV4 and then drove forward getting the vehicle stuck. He fled on foot. Officer McIntyre pursued but was not able to capture Shoemaker-Gonzalez.

Officer Matthew Gotowala

On January 12, 2023, at approximately 12:32 p.m., Officer Gotowala was in the area of Jerome Avenue and Davis Drive, Bristol. Other officers called out over dispatch that a suspect had stolen a police cruiser and shots were fired. Office Gotowala observed the stolen police cruiser pull out in front of him onto Jerome Avenue. Officer Gotowala pursued the vehicle until it crashed into Palma's Diner located at 100 Stafford Avenue, Bristol.

Detective Robert Motel

Detective Motel interviewed Shoemaker-Gonzalez at Saint Francis Hospital in Hartford.

The report states:

"That Shoemaker-Gonzalez stated that sometime last night 01/11/23 he lost his keys and took a bus from East Hartford to Park St. in Hartford. He further stated that he needed a ride back home, so he approached a male on Park St. Shoemaker-Gonzalez stated he was drinking and smoking PCP and could not remember much of what happened. Shoemaker-Gonzalez added that the male on Park St. started swinging at him. Shoemaker-Gonzalez stated he doesn't remember much more of what happened after this but stated he did steal a Toyota RAV4 and a Bristol Police cruiser. I asked him what happened with the police car, and he stated the "police were going to get him, so". He also stated, 'In Bristol, I remember I was stuck, oh shit, and I heard a voice, I gotta get out of here. They gonna get you, they gonna grab you'."

Later in the interview when asked again about the stolen police car, Shoemaker-Gonzalez stated, "Because your guys were trying to grab me." He also stated that he suffered from PTSD, depression, and was bi-polar.

Digital Evidence

Dash Camera – Officer Zachary Levine

The recording starts as Officer Levine pulls his police cruiser into the Davis Drive complex. He stops the vehicle on Quaker Lane. Moments before he stops, Sergeant Joshua Pratt enters Quaker Lane from the opposite direction and stops at an angle in front of Officer Levine's cruiser.

Officer Levine exits his cruiser and runs to the side and then behind a white building. Shoemaker-Gonzalez emerges from the opposite side of the white building and approaches Sergeant Pratt's police cruiser. Shoemaker-Gonzalez enters the driver's seat of the cruiser. A woman is standing near the driver's door.⁵ Bristol officers realize what is happening and order Shoemaker-Gonzalez out at gunpoint.

As Shoemaker-Gonzalez begins to back the cruiser out of the parking area, Officer Seth Petzing is seen running into the parking area. He stops partially in front of the cruiser which is now moving forward. The cruiser proceeds forward and then turns to get around Officer Levine's cruiser. Officer Petzing fires four shots at the cruiser as it passes him. The cruiser moves out of the camera view with officers giving chase on foot.

To review this portion of the recording from Officer Levine's dashboard camera, click [here](#).

Dash Camera – Sergeant Joshua Pratt

The recording begins with Sergeant Pratt driving into the Davis Drive complex. The stolen Toyota RAV4 is off the road next to a guard rail. Shoemaker-Gonzalez is seen walking away from the RAV4.

Sergeant Pratt backs up his cruiser and drives onto Quaker Lane pulling diagonally into a parking space. A woman (Witness 1) is in the parking lot. Shortly after Sergeant Pratt stops his cruiser, Officer Levine arrives stopping his cruiser on Quaker Lane generally facing Sergeant Pratt's cruiser. Bristol officers are seen running around the side of a white building. Simultaneously, Shoemaker-Gonzalez emerges from the opposite side of the white building and approaches Sergeant Pratt's cruiser.

⁵ This woman, who I will refer to as Witness 1, lived at the Mountain Laurel Apartment Complex where the incident happened. She told OIG inspectors that she was in her unit when she observed a silver SUV drive erratically inside the complex through residential yards. The SUV ultimately became trapped. She then saw a Hispanic male walk away from the SUV. Witness 1 ran outside and approached a police cruiser. She opened the door and told the Hispanic male, "What are you doing, get out." The male was not responsive. Witness 1 described him as "spaced out" and high on drugs. As she was speaking to the male, police officers arrived with guns drawn ordering the male to exit the cruiser. The male sped away in the cruiser. Witness 1 told OIG inspectors that she did not know this male and had never seen him before. In the aftermath of this incident, she was very shaken and believed that her life may have been in danger.

Bristol officers see Shoemaker-Gonzalez in Sergeant Pratt's cruiser and order him to stop: "Don't do it." "Get out of the car; get out of the car." The officers have their guns drawn. Officer Seth Petzing approaches from the side of the white building. As Shoemaker-Gonzalez backs the cruiser up, Officer Petzing steps partially into the road. He is positioned in front of the driver's side front fender of Sergeant Pratt's cruiser.

The cruiser moves forward turning to get around Officer Levine's cruiser. As Shoemaker-Gonzalez passes Officer Petzing, he fires four shots at the driver's door. Shoemaker-Gonzalez drives the cruiser to the intersection with Davis Drive where a school bus appears to be moving away. Shoemaker-Gonzalez drives past the school bus and turns right. He drives off the pavement onto a snow-covered area and then toward Jerome Avenue. In driving back onto the pavement, Shoemaker-Gonzalez appears to sideswipe a telephone pole.

Shoemaker-Gonzalez enters Jerome Avenue and accelerates northbound. He passes many cars. While turning onto Mix Street, Shoemaker-Gonzalez has a near collision with a truck. Shoemaker-Gonzalez then proceeds onto Brook Street driving southbound. At one point, he veers off the road onto a sidewalk before driving back onto the road. Shoemaker-Gonzalez's attempted escape abruptly ends when he violently crashes through the front door of Palma's Diner located on Stafford Street. The diner was occupied at the time.





[Police car crashed into restaurant]

To review this portion of Sergeant Pratt's dashboard camera recording, click [here](#).

Body-Worn Camera – Sergeant Joshua Pratt

The recording begins with Sergeant Pratt operating his cruiser. Upon exiting his cruiser, Sergeant Pratt runs in front of a white building on Quaker Lane. Other Bristol officers are on scene. Sergeant Pratt runs to the side of the white building. He is holding his Taser. At the rear of the white building, Sergeant Pratt turns around and runs back to Quaker Lane. When he reaches the street, he sees Shoemaker-Gonzalez entering his police cruiser. Sergeant Pratt runs up to the cruiser and orders Shoemaker-Gonzalez to get out. Shoemaker-Gonzalez backs the cruiser up and then drives forward. As the cruiser passes Officer Petzing, Officer Petzing fires multiple shots. The cruiser continues to drive away with Sergeant Pratt and the other officers giving chase on foot.

To review this portion of Sergeant Pratt's body-worn camera recording, click [here](#).

Body-Worn Camera – Officer Zachary Levine

The recording begins with Officer Levine exiting his cruiser that has stopped on Quaker Lane. He runs along the side of a white building. Sergeant Pratt is next to him. When he reaches the rear of the white building, they both turn around and run back to Quaker Lane. Once there, Officer Levine sees that Shoemaker-Gonzalez has entered Sergeant Pratt's cruiser.

He yells, “He’s got a cop car!” Shoemaker-Gonzalez is in the driver’s seat of the cruiser and a woman (Witness1) is near the cruiser’s open driver’s door.

Shoemaker-Gonzalez backs the cruiser up and then drives forward. As the cruiser drives forward, Officer Petzing fires multiple rounds at the cruiser. The cruiser continues to drive away toward Davis Drive with officers pursuing on foot.

To review the relevant portion of Officer Levine’s body-worn camera recording, click [here](#).

Body-Worn Camera – Officer Seth Petzing

At the start of the recording, Officer Petzing is driving his cruiser and reports on the phone that the car in the Farmington carjacking has been located at Davis Drive. Once stopped, Officer Petzing exits his cruiser and starts running through the yards of the buildings in the Davis Drive complex. When he reaches Quaker Lane, Shoemaker-Gonzalez is already in Sergeant Pratt’s cruiser and Officer Levine and Sergeant Pratt are nearby.

Shoemaker-Gonzalez backs the cruiser out of the parking space. Officer Petzing yells “Freeze ... freeze!” As the cruiser then drives forward, Officer Petzing fires four rounds into the side of the cruiser. The cruiser continues toward Davis Drive and then Jerome Avenue. Officer Petzing runs after the cruiser and announces “Shots fired” over his radio.

To review this portion of Officer Petzing’s body worn camera recording, click [here](#).

Scene

The Connecticut State Police Western District Major District Squad (WDMCS) responded to process the scene on January 12, 2023, at approximately 3:00 p.m. The incident took place in the residential area of Quaker Lane and Davis Drive. Davis Drive is a horseshoe-shaped roadway. Quaker Lane begins and ends at two intersections with Davis Drive. Quaker Lane generally runs in a north/south direction and consists of multiple multi-family housing units. Marked parking spaces for the housing units were visible off the shoulder of Quaker Lane’s northbound travel lane.

Toyota RAV4

In the grass off the shoulder on the westbound lane of Davis Drive prior to the northern intersection with Quaker Lane, WDMCS detectives located a Toyota RAV4. The vehicle was up against the interior side of a metal beam guardrail. There was visible damage to the entire right

side of the vehicle. The Toyota's bumper was observed in the grass between the tracks east of the vehicle's location.



[RAV4]



[RAV4]

WDMCS detectives located silver bullet casings on the roadway surface between housing unit #21 and unit #20, and one casing was in the parking spot marked #23. A total of four casings were recovered.



[Placards in Street]



[Bullet Casing]



[Bullet Casing]



[Bullet Casing]



[Bullet Casing]

Police Vehicle

WDMCS detectives processed the police vehicle that had been stolen from Quaker Lane. The vehicle was a 2020 Ford Explorer, color black, with Bristol Police markings. The vehicle had significant damage to both left and right sides. The driver's door was completely removed.

On the interior of the cruiser, WDMCS detectives observed multiple areas with small dark stains consistent with blood-like stains. A presumptive blood test was applied to two areas and with the result being positive for blood. Two bullet projectiles were located inside the vehicle. One from the driver's side floorboard and a second from the driver seat cushion. A folding knife was also located on the driver's side floorboard.



[Projectile]



[Bullet Hole]

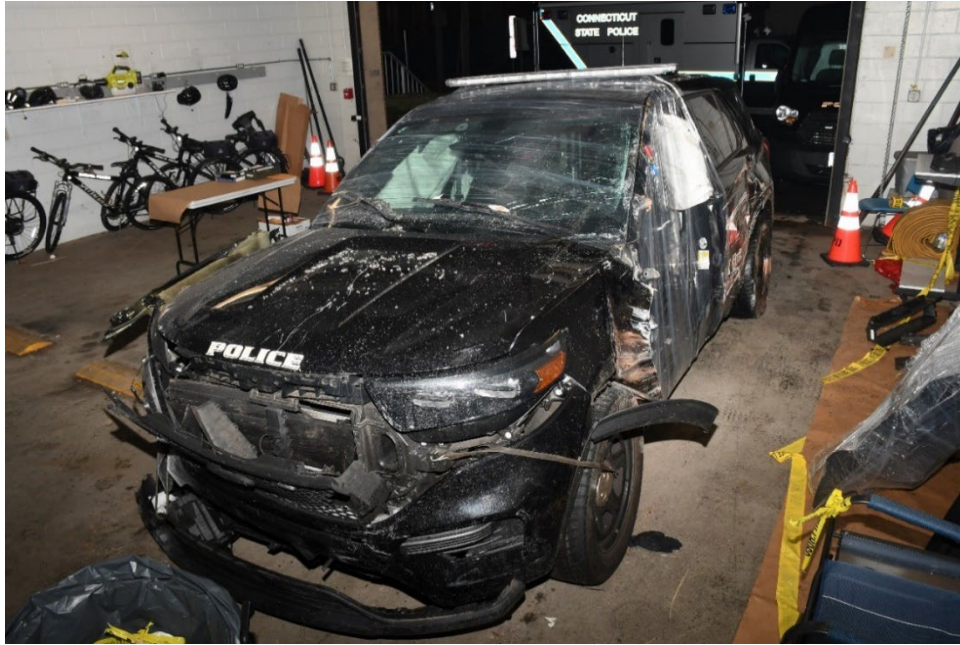


[Knife]

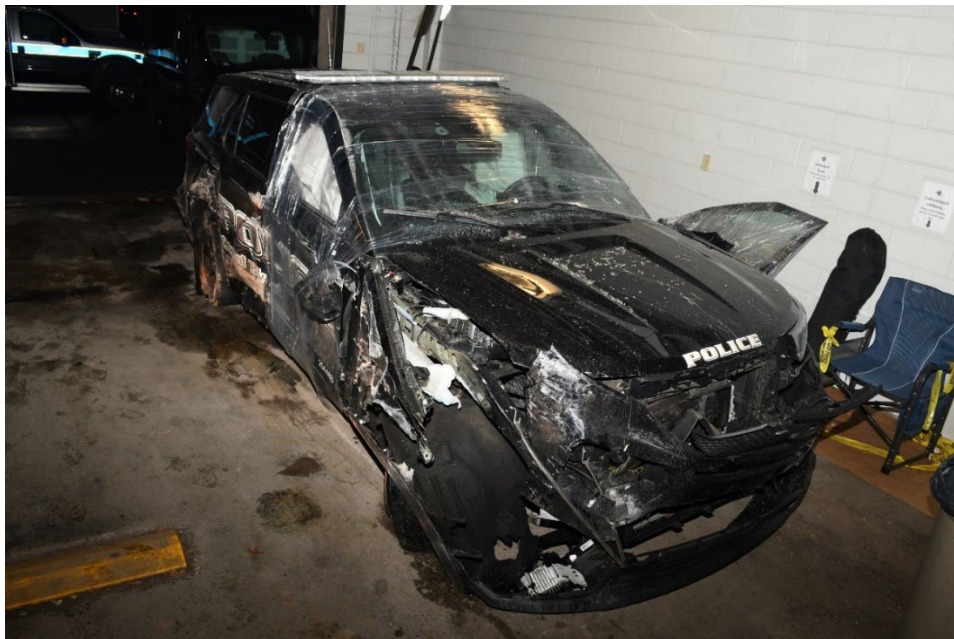


[Knife]

Inspection of the exterior of the cruiser revealed four bullet holes. One in the left front fender and three others in the driver's door. With respect to the three bullet holes in the driver's door, one was in the upper left corner, one was one inch below the exterior door handle, and one in the center right area of the door. Detectives were unable to determine which projectile was associated with which bullet hole.



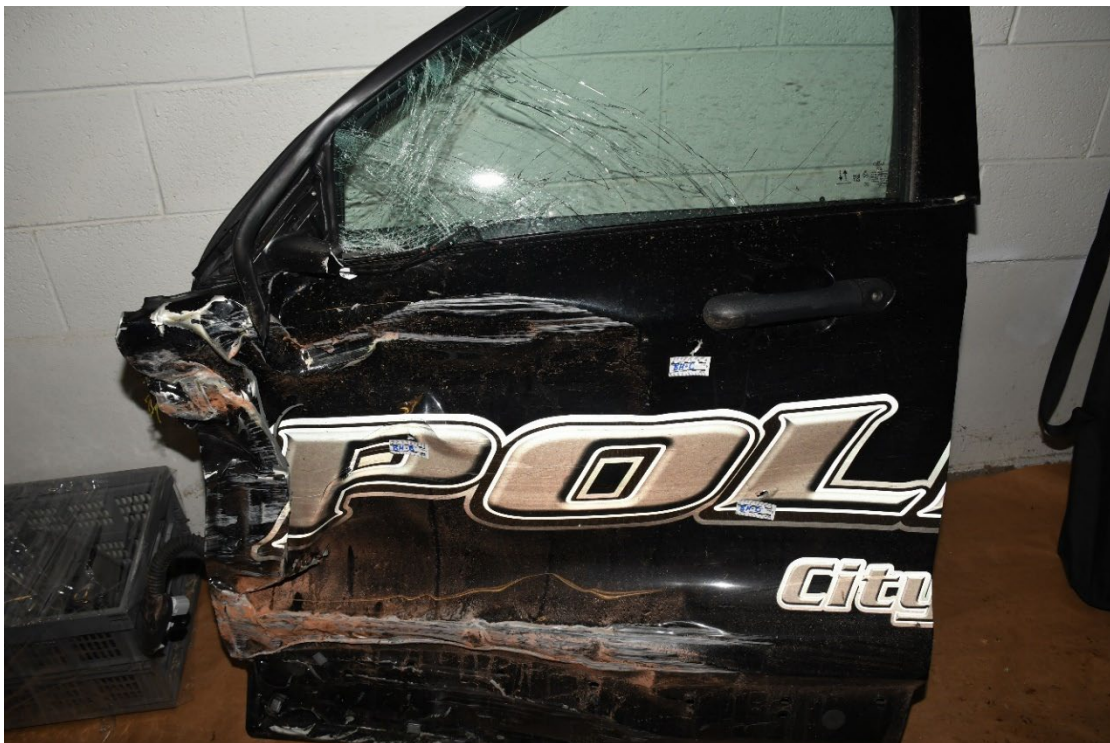
[Police Cruiser]



[Police Cruiser]



[Bullet Hole Fender]



[Bullet Holes in Door]



[Bullet Hole]



[Bullet Hole]



[Bullet Hole]

WDMCS detectives examined Officer Petzing's firearm and magazines. These consisted of a black Glock 9mm pistol, Serial Number BMPK785, three Glock seventeen round magazines, and forty-eight Speer mm Luger +P bullets. Assuming Officer Petzing's Glock pistol was loaded with a full magazine and one chambered round, the round count was consistent with his firing four shots.



[Officer Petzing's Glock]



[Officer Petzing's Three Magazines]



[Officer Petzing's Cartridges]

Medical Records – Jimmie Shoemaker-Gonzalez

After being extracted from the stolen police car that had crashed into the restaurant, Shoemaker-Gonzalez was taken to Saint Francis Hospital at 114 Woodland Street, Hartford, for treatment. He arrived at the hospital on January 13, 2023, at approximately 1:16 p.m.

A physical exam noted four separate gunshot wounds. Two in the right anterior thigh and two in the left lower leg. Shoemaker-Gonzalez also had an open fracture of the middle finger of his right hand. An x-ray revealed a comminuted fracture of the left tibia with bullet fragments within the soft tissue of the left leg. The four gunshot wounds were determined to be two pairs of entry/exit wounds, the first being to the right thigh and the second being to the left lower leg.

The injuries were treated surgically. The left tibia fracture was closed using IMN (intermedullary nailing). A second surgeon performed a percutaneous pinning of the PIP (proximal inter-phalangeal) joint of the right middle finger. Shoemaker-Gonzalez tolerated these procedures well.

Upon his admission, the hospital took a sample of Shoemaker-Gonzalez's blood for laboratory analysis. The testing showed an ethanol level of 102mg/dl (.102 BAC). The lab tests were also positive for the presence of Benzoylcegonine (a cocaine metabolite), oxycodone, and PCP. Shoemaker-Gonzalez was discharged from the hospital on January 15, 2023. He was discharged to the custody of the police.

Interview – Jimmie Shoemaker-Gonzalez

On February 8, 2023, OIG inspectors interviewed Shoemaker-Gonzalez at the Harford Correctional Center. After obtaining information about his background, he was asked about the events of January 12, 2023. Shoemaker-Gonzalez related that about a week before January 12th, the mother of his child, who lived in Avon, had an incident with her daughter. Shoemaker-Gonzalez was vague about the details of this incident. It apparently involved the display of guns and a police response. Shoemaker-Gonzalez did state that the incident stressed him out causing him to relapse and resume smoking "dust."⁶

Shoemaker-Gonzalez had been recently released from jail and was living in a rooming house in East Hartford. He was also working at a warehouse. His use of PCP resulted in him missing work and probably the loss of his warehouse job.

⁶ "Dust" is a reference to angel dust or PCP.

On the day of the incident, he had lost his house keys and went looking for them. Probably in Hartford, he purchased five or six bags of dust and smoked a couple of bags. He ended up walking across the bridge back to East Hartford. He went into his room through an open window. Sometime later, he left his house to search for his keys and smoked a blunt containing some dust. He reported limited recollection of what happened after that.

Shoemaker-Gonzalez stated that he did not recall returning to Hartford and had no recollection of taking a car there. He also reported no recollection of crashing a car in Farmington and taking another car. He further had no recollection of displaying a knife at either location. He stated that he had no idea why he went to Bristol.

Shoemaker-Gonzalez did recall running around a building. He said that an officer was coming around a building and Shoemaker-Gonzalez came around the other side and got into a police car. He did not remember a woman speaking to him and did not recall the Bristol officers saying anything to him. He stated that when he started to pull off in the police vehicle, he was shot. He recalled looking at his finger and his "shit felt on fire."

He did not recall the details of his driving the police vehicle and did not recall crashing into the diner. He remembered that, after the crash, a police officer was in front of the car with his gun drawn and remembered that the car door had to be cut off to get him out of the vehicle. Shoemaker-Gonzalez denied any knowledge of weapons in the police vehicle.

With respect to the shooting, Shoemaker-Gonzalez recalled jumping into the cruiser, starting to pull off, and hearing shots. When asked why he thought the officer shot him, he said that he had no idea. He doubted that the officer had a good explanation. Shoemaker-Gonzalez denied driving toward the officer. He asserted that the officer had no reason to shoot him and that he intended to contact a lawyer to bring a civil lawsuit.

Shoemaker-Gonzalez did not describe his recollection of the events of January 12, 2023, in an organized way and inspectors had to return to some topics several times to get his memory of what happened. At the end of the interview, the inspectors summarized his account of what happened as follows:

The night before the incident he was drinking, smoking dust and did not sleep. He walked from Hartford to his home in East Hartford. He then went out again looking for his lost house keys. He smoked a blunt containing dust and had no recollection of going to Hartford, Farmington, or Bristol. He did recall jumping into a police car and being shot by an officer as he pulled off. After the crash, he recalled being extracted from the police vehicle. He did not recall going to the hospital or undergoing surgery.

The interview then concluded. Shoemaker-Gonzalez was not asked to provide a written statement.

Statement – Officer Seth Petzing

On April 20, 2023, Officer Seth Petzing provided a written statement to the OIG. The statement may be summarized as follows:

On January 12, 2023, at approximately 10:16 a.m., the Hartford Police Department notified Bristol dispatch that Hartford had a carjacking in which the suspect used a knife. The suspect was described as a black Hispanic male with salt and pepper colored hair. The stolen vehicle was a 2004 Dodge Durango.

At 11:49 a.m., two Bristol police officers were dispatched to a hit-and-run accident in the area of Farmington Avenue and Hoover Avenue. The evading vehicle was a blue Dodge Durango. Officer Petzing also responded to the call believing that the evading vehicle was the same vehicle taken in Hartford.

Around noon, Officer Petzing was on a medical assist call when he heard over the radio that the Farmington Police Department had just had a motor vehicle accident involving the Dodge Durango stolen from Hartford. The suspect reportedly attempted several more carjackings using a knife. The third attempt was successful. The stolen vehicle was a newer Toyota RAV4, last seen heading westbound on Farmington Avenue into Bristol. Farmington police reported that there were possible injuries as a result of both carjackings, but the details were vague.

A short time later, while he was getting into his police cruiser, Officer Petzing heard a radio transmission that an officer had located the stolen RAV4 on Davis Drive in the area of #209. The radio transmission further stated that the suspect was running and brandishing a knife. Officer Petzing drove to Davis Drive and saw officers running. He parked his cruiser and drew his firearm and ran in the officers' direction. He could not see the officers until he came out between two buildings. Officer Petzing heard someone yell something to the effect of, "Don't do it, get out of the cruiser."

The statement continues:

"I then observed officers pointing their firearms at the opened driver's door to a police cruiser and a female crunched down near the door and she then ran in my direction. I realized that the suspect was sitting in the driver's seat of the running police cruiser. I then positioned myself in front of another police cruiser, on the passenger side closer to the parking spaces. I purposely positioned myself on the side of another cruiser and out of the expected path of the vehicle if it

were to flee. I then pointed my firearm at the suspect in the driver's seat. Other officers were yelling at the suspect to get out of the police cruiser. All Bristol cruisers are equipped with an AR-15 with a magazine already inserted into the mag-well, tactical/ballistic vest that also contain more loaded AR-15 magazines, a shotgun, and riot/ballistic shield. Knowing the suspect had just committed several armed carjackings and was armed with a knife, he posed a greater risk to the community by being in possession of a marked police cruiser with working lights and sirens and a ready-to-use AR-15 with tactical gear.⁷

"I then heard the cruiser's engine revving and observed the suspect manipulating the gear shift to make the cruiser mobile. The suspect then placed the cruiser in reverse backed up several feet then placed it into drive and drove at me at a high rate of speed. As I was standing there, I made eye contact with the suspect whose eyes were wide open and staring directly into my eyes. He was staring right at me making me believe that he was going to run me over. I also observed the suspect was of darker skin tone and had salt and pepper colored hair which matched the suspect description of the Hartford armed carjacking. I believed the suspect was intentionally accelerating at me and I believed my life was in danger. The grill of the cruiser was coming at me, and the tires were turned in my direction. Based on the stare, the look on the suspect's face and the direction and speed of the vehicle, I believed I was going to be struck and killed. I then fired four rounds at the vehicle.

"The vehicle swerved to the right, continuing southbound on Quaker Lane, narrowly missing a school bus before crashing into building #18/20 Davis Drive. The school bus was parked on Quaker Lane at the intersection of Davis Drive. I believe the red lights were flashing and the bus driver was getting ready to let the kids off the bus. This all occurred within a split second and when I fired my firearm, the suspect and cruiser were only 4-6 feet away from me."

Officer Petzing notified dispatch the shots were fired and pursued the suspect on foot. He saw the stolen cruiser accelerated northbound on Jerome Avenue. At about this time, Officer Petzing began to hyperventilate. He was taken to the hospital by Bristol EMS.

A complete copy of Officer Petzing's written statement is reprinted in the [Appendix](#) of this report.

⁷ According to the Bristol Police Department, the AR-15 and Mossberg less-lethal shotgun were stored in a rifle loft manufactured by LUND Industries model: LOFT-FPIU-2G-LOFT GUN STORAGE DUAL GUN. This apparatus fits up against the roof of the cruiser into a space at the rear of the vehicle. It is hinged. To access the weapons, the rear compartment of the cruiser is opened, and the loft is pulled down. A switch then must be pushed to disengage the electronic locking clamps securing the weapons. When closed, the weapons are not visible as the loft fits up against the roof of the cruiser.

A non-police officer would likely have no knowledge of the intricacies of this rifle storage system. This is obviously purposeful as non-police should not be able to access high powered weapons like AR-15 rifles loaded with twenty round magazines.

FINDINGS

The investigation supports the following factual findings:

1. On January 12, 2023, at approximately 9:17 a.m., Jimmie Shoemaker-Gonzalez carjacked a 2004 Dodge Durango from Hartford. During the incident, Shoemaker-Gonzalez swung a knife at the owner, cutting him in the forehead.
2. Later that morning, while driving the stolen Durango in Farmington, Shoemaker-Gonzalez struck the blade of a DOT snowplow and lost control of the Durango. The vehicle ended up crashing into a fence and rock wall at the Westwood II Condominium Complex. Shoemaker-Gonzalez abandoned the Durango on the entry drive for the condominiums.
3. At the Westwood II Condominium Complex, Shoemaker-Gonzalez unsuccessfully attempted to steal a Nissan Versa and carjack a Nissan Rogue. He successfully carjacked a Toyota RAV4. In connection with taking the RAV4, Shoemaker-Gonzalez cut the owner with a knife.
4. Farmington Police notified Bristol Police that the stolen Toyota RAV4 was heading into Bristol at high speed.
5. Bristol dispatch advised units that the vehicle involved in the Farmington incident was a Toyota RAV4 that had been taken in a carjacking, possibly involving a knife.
6. Bristol officers located the Toyota RAV4 at the Mountain Laurel Apartment Complex on Davis Drive, Bristol.
7. At approximately 12:30 p.m., Sergeant Joshua Pratt observed the stolen Toyota RAV4 enter Davis Drive. He attempted to make a felony stop but Shoemaker-Gonzalez sped off. He drove onto the snow-covered grass of the complex, ultimately getting stuck against a guardrail. Shoemaker-Gonzalez exited the Toyota RAV4 and proceeded on foot into the complex's grounds.
8. Sergeant Pratt moved his cruiser to Quaker Lane, exited, and ran in the direction of Shoemaker-Gonzalez. Also arriving on scene were Officer Scott McIntyre, Officer Zachary Levine, and Officer Seth Petzing.
9. As officers pursued Shoemaker-Gonzalez, he was able to get around a building and enter Sergeant Pratt's cruiser that was parked and running on Quaker Lane. When the other officers saw this, they approached the cruiser and ordered Shoemaker-Gonzalez to stop and get out of the cruiser.

10. Officer Petzing also ran to Quaker Lane and saw Shoemaker-Gonzalez in the Bristol cruiser. Shoemaker-Gonzalez backed the cruiser out of its parking space and then turned to move forward. At this time, Officer Petzing was positioned on Quaker Lane south of the cruiser and slightly to its side.

11. Officer Petzing fired four rounds at the cruiser as it drove past him. One round struck the front fender and three rounds struck the driver's side door. The rounds penetrated the door striking Shoemaker-Gonzalez in the middle finger of his right hand and both legs.

12. Shoemaker-Gonzalez drove off narrowly missing a school bus and glanced off a building in the apartment complex. He then drove another 2.5 miles before crashing into Palma's Diner on Stafford Street.

LAW

Statute

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on January 12, 2023, in relevant part, provides:

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

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

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

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

The statute further provides:

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

Accordingly, a police officer is justified in using deadly physical force upon another person when the officer reasonably believes such force to be necessary to defend the officer or a third person from the use or imminent use of deadly physical force. “Deadly physical force” means “physical force that can be reasonably expected to cause death or serious physical injury.” General Statutes § 53a-3(5). “Serious physical injury” means “physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.” General Statutes §53a-3(4).

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

Vehicles

Connecticut has a policy that generally prohibits the discharge of a firearm into or at a moving motor vehicle.

General Statutes §14-283a, as relevant here, provides:

“(c) No police officer engaged in a pursuit shall discharge any firearm into or at a fleeing motor vehicle, unless such officer has a reasonable belief that there is an imminent threat of death to such officer, or another person posed by the fleeing motor vehicle or any occupant of such motor vehicle.

“(d) No police officer shall intentionally position his or her body in front of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit that employs such officer.”

The Police Officer Standards & Training Council (POSTC) has promulgated a standard applicable to firing at or into vehicles that provides:

“The discharge of a firearm is prohibited:

(5) When fired at or into a moving or fleeing vehicle, except:

a. To counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle.

b. When a driver is intentionally placing others in the vehicle’s path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic.

c. When an officer is unavoidably in the path of a vehicle and cannot move to safety. Officers are strongly discouraged from positioning themselves in the actual or potential path of travel of any vehicle.”

POSTC Standards, Use of Force Policy, Section 9.C.(5).

Reasonableness

A police officer’s use of deadly force must be objectively reasonable. §53a-22 (c)(1).

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

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

Burden of Proof

In evaluating whether an officer's use of deadly force was justified, the law places the burden on the prosecutor to prove beyond a reasonable doubt that the officer's use of deadly force was **not** justified. See Connecticut Criminal Jury Instructions 2.8-6.

The law further provides that if there is something in the evidence or lack of evidence that leaves in one's mind a reasonable doubt as to officer's justification, the officer must be given the benefit of that doubt. *Id.*, 2.2-3.

ANALYSIS

This is a close case.

The investigation has revealed factors that support a finding that Officer Petzing's use of deadly force was not justified and factors that support a finding that such use of force was justified. The arguments against and for justification may be summarized as follows:

Use of Force Arguably Not Justified

Arrest

Under the facts presented, the use of deadly force was not justified to arrest Shoemaker-Gonzalez or prevent his escape from custody. As noted above, §53a-22(c) (1)(B) limits the use of deadly force to situations where the officer reasonably believes that the person has committed a felony which involved the infliction of serious physical injury. Here, the injuries suffered by the two carjacking victims do not meet the definition of serious physical injury. See General Statutes §53a-3(4) (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.") In addition, the Bristol dispatch broadcasts, although reporting that a knife was involved in at least one of the carjackings, did not provide any information as to the nature of the injuries received by the victims.

Vehicles

Applying the POSTC standard, firing at the fleeing cruiser arguably did not fit within the three exceptions articulated by POSTC. As discussed above, the standard sets forth the general rule that firing at a moving vehicle is prohibited. It provides the following three exceptions:

First, to counter an imminent threat of death or serious physical injury from an occupant by means other than the vehicle. At the time Officer Petzing fired his weapon, Shoemaker-

Gonzalez was not posing an imminent threat of death or serious injury by means other than the vehicle. He did have a knife, but there is no evidence that he was brandishing it toward the officers as he drove away. His potential access to the AR-15 rifle stored in the rear of the cruiser seems remote and insufficient to support an “imminent” threat of death or serious injury.

Second, when a driver is intentionally placing others in the vehicle’s path causing an imminent risk of serious injury, such as driving into a crowd of assembled persons or into an occupied area not intended for vehicular traffic. At the time that Officer Petzing fired his weapon, Shoemaker-Gonzalez was not driving into a crowd or into an occupied area not intended for vehicles. There was a school bus down the street, but there is no evidence that Shoemaker-Gonzalez was intentionally trying to ram it. In fact, shooting Shoemaker-Gonzalez in the finger and legs arguably increased the risk to the children by impairing his ability to control the car.

Third, when an officer is unavoidably in the path of a vehicle and cannot move to safety. Application of this exception requires consideration of whether (1) Officer Petzing was too far into the road, (2) whether the police cruiser moved directly toward him, and (3) whether, at the time of the shooting, the vehicle had already passed him. The dash camera recordings suggest that the cruiser was turning *away* from Officer Petzing when he fired. It was also several feet away. The bullet strikes in the driver’s door and fender also indicate that the vehicle was passing or had passed Officer Petzing when he fired.

Officer-Created Jeopardy

Finally, when applying the overarching standard of objective reasonableness to an officer’s use of deadly force, the concept of officer-created jeopardy is relevant. Officer Petzing’s decision to take a position partially in front of the cruiser arguably increased the risk that he would have to use deadly force if the vehicle moved in his direction.

Use of Force Arguably Justified

Context

Officer Petzing’s actions cannot fairly be evaluated without considering the context within which those actions occurred. Shoemaker-Gonzalez was wanted for serious offenses. According to the broadcasts, he had committed two carjackings earlier in the day and had used a knife. He had also abandoned the RAV4 on the grounds of the Davis Drive apartments and was moving through the grassy areas of the complex, knife in hand.

Dynamic Situation

Shoemaker-Gonzalez brazenly entered a Bristol cruiser that was running with its driver's door open. This was an unexpected development raising the anxiety level of all concerned. The situation was dynamic and moving in directions that were unpredictable.

Shooting

Officer Petzing came from between two buildings and confronted the scene with Shoemaker-Gonzalez already in the cruiser and officers ordering him to stop. He ran onto Quaker Lane lending his voice to the other officers for Shoemaker-Gonzalez to freeze.

Shoemaker-Gonzalez quickly backed the cruiser up, turned it, and began to drive forward. It is at this moment that Officer Petzing states that he perceived himself to be in danger of being struck and killed by the cruiser. The dashboard camera from Officer Levine's dash camera depicts this moment:



In the face of this, Officer Petzing fired his weapon four times at the cruiser. This was a split-second decision. The decision is justified, however, only if Officer Petzing was unavoidably in the path of the cruiser that was driving at him such that he could not move to safety.

Discussion

In his sworn statement, Officer Petzing asserts that he was in the path of the fleeing stolen cruiser and believed that Shoemaker-Gonzalez was going to run him over. I accept that this was his honest belief. A careful review of the dash camera and body-worn camera recordings, however, shows that, as the cruiser moved forward, it turned to move past Officer Levine's cruiser. In making this turn, the cruiser momentarily lined up facing Officer Petzing. It did not, however, advance on a path toward him but continued to turn away from him. When the cruiser did drive forward, it was several feet away from Officer Petzing.

This does not end the matter because the ultimate question is whether Officer Petzing's belief, even if it was mistaken, was still reasonable. Several factors are relevant to this ultimate question.

Perception/Reaction Time

The concept of perception – reaction time is relevant to why the vehicle is passing Officer Petzing at the time he fired. It is well established that there is a delay between the time that the brain perceives/receives a threat and then carries out the reaction to the threat. The process follows a path that involves (1) perceiving a threat, (2) evaluating the threat, (3) deciding how to react, and (4) reacting to the threat. The length of time involved with this process varies, but it is not instantaneous. Less than a second elapsed between the cruiser turning toward Officer Petzing and his shooting at the vehicle.

Shoemaker-Gonzalez Desperation

Shoemaker-Gonzalez's frantic efforts to escape bear on the reasonableness of Officer Petzing's belief that he was about to be run over. Shoemaker-Gonzalez had been involved in two attempted and two completed carjackings. In the two that were successful, he had cut the car owners with a knife. He did not hesitate to commandeer a marked police cruiser. It does not strain credulity to believe that a person so desperate to escape would be willing to run over a cop to achieve his goal.

Graham v. Connor Reasonableness Guidance

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court provided a real-world framework to evaluate the reasonableness of a police officer's use of force. To start, one must evaluate the use of force from the perspective of the officer on the scene and resist the temptation to employ 20/20 hindsight. Here, that means looking at the situation through the eyes of Officer Petzing. He did not have the luxury of looking at a recording of the path of the cruiser as it drove from the scene. Second, a reasonableness calculation must allow for the

fact that officers are sometimes required to make split-second decisions. Clearly, Officer Petzing's decision to fire his weapon was such a decision. Finally, reasonableness is affected by circumstances that may be tense, uncertain, and rapidly evolving.


In that moment when the stolen cruiser appeared to line up toward Officer Petzing, things were certainly tense, uncertain, and rapidly evolving. Under these circumstances, his split-second decision to fire to prevent being run over could be considered reasonable.

In sum, I do not believe that the evidence developed by the investigation establishes beyond a reasonable doubt that Officer Petzing was not justified when he used deadly force to repel what he believed to be a grave and imminent threat of being runover by the stolen police cruiser.

CONCLUSION

Whether Officer Petzing's use of deadly force was justified presents a close question. I am convinced, however, that there is insufficient evidence to establish beyond a reasonable doubt that it was not justified. The Office of Inspector General will take no further action in this matter.

Submitted this 14th day of August 2024.


ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE**



Victim/Witness Statement

Date: 4-20-23	Time Started: 10:59 AM	Time Ended: 11:04 AM	CFS #: IG 2023-003
Location: BRISTOL POLICE DEPARTMENT		Statement taken by: INSP. STEVEN HUNT	

I, SETH PETZING Date of Birth: 5/28/91
of 131 N. MAIN STREET Town/City: BRISTOL State: CT

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

That on 01/12/23 at approximately 1016 hours, Bristol Communications (dispatch) received a notification from Hartford Police Department that they had an armed carjacking in which the suspect used a knife, and the suspect was described as a black Hispanic male with salt and pepper colored hair. Hartford Police Department also wanted the vehicle seized for evidence if it was located. The stolen vehicle was described as a blue 2004 Dodge Durango with a misuse plate affixed to it. No other details were provided regarding the Hartford armed carjacking.

That at approximately 1149 hours, Ofc. Kichar and Ofc. Levine were dispatched to a Hit and Run Motor Vehicle Accident in that area of Farmington Avenue and Hoover Avenue and the evading vehicle was a blue Dodge Durango last seen heading westbound on Farmington Avenue at a high rate of speed. I also responded to this call because I believed that the evading vehicle was the same vehicle taken from Hartford in the armed carjacking. We searched the area but did not locate a blue Dodge Durango. I also requested Dispatch to notify surrounding towns (over the hotline) that the evading vehicle matched the description and maybe the vehicle from Hartford's armed carjacking. Reference Bristol PD case #23-1457 for further details regarding the accident.

Ofc. Levine and I then went to a Medical Assist call at approximately 1157 hours, BPD case #23-1460. During the call, I heard over the radio that Farmington Police Department just had a motor vehicle accident involving the blue Dodge Durango stolen from Hartford. The suspect attempted several more armed carjackings using a knife, of which the third attempt was successful. The

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

Victim/Witness Name: <u>Seth Petzing</u>	Victim/Witness Signature: <i>Seth Petzing</i>	Date: <u>4-20-23</u>
Parent/Guardian Name: <u>Ronald V. Pugliese Jr</u>	Parent/Guardian Signature: <i>Ronald V. Pugliese Jr</i>	Date: <u>4/20/23</u>

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

Oath Taken By: James Viadea Signature *James Viadea* Date Signed 4-20-23



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



suspect stole a newer Toyota Rav 4 and was last seen heading westbound on Farmington Avenue into Bristol. I then heard Lt. Hanson use the radio and ask for further details in regards the Farmington's armed carjacking. While still treating the patient I did not hear all of the details but Farmington Police Department reported that there were possible injuries as a result of both carjackings, however, the details were vague because of a language barrier.

Shortly afterward, while Ofc. Levine and I were getting into our police cruisers, I heard over the radio that an officer (unknown which officer) had located the stolen Toyota Rav 4 on Davis Drive in the area of #209. As I was heading to the area, I heard an officer over the radio state that the suspect is running and he is brandishing a knife. As I pulled into Davis Drive, Ofc. Levine turned left onto Quaker Lane and I observed several officers running eastbound between several houses. I continued to drive further into Davis Drive in an attempt to cut off the suspect. I then observed Ofc. McIntyre on the northwest part of Davis Drive in the area of Quaker Lane, where the officers were running, pointing his firearm. I then parked my cruiser and drew my firearm and ran in the officers' direction. I could not see where the officers were until I came out from between two buildings. I heard several officers yell something to the effect of, "Don't do that, get out of the cruiser."

I then observed officers pointing their firearms at the opened driver's door to a police cruiser and a female crouched down near the door and she then ran in my direction. I realized that the suspect was sitting in the driver's seat of the running police cruiser. I then positioned myself in front of another police cruiser, on the passenger side closer to the parking spaces. I purposely positioned myself on the side of another cruiser and out of the expected path of the vehicle if it were to flee. I then pointed my firearm at the suspect in the driver's seat. Other officers were yelling at the suspect to get out of the police cruiser. All Bristol line cruisers are equipped with an AR-15 with a magazine already inserted in the mag-well, tactical/ballistic vest that also contained two more loaded AR-15 magazines, a shotgun, and a riot/ballistic shield. Knowing the suspect had just committed several armed carjackings and was armed with a knife, he posed a greater risk to the community by being in possession of a marked police cruiser with working lights and sirens and a ready-to-use AR-15 with tactical gear.

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

Victim/Witness Name: <u>Seth Petzing</u>	Victim/Witness Signature: <u>Seth Petzing</u>	Date: <u>4-20-23</u>
Parent/Guardian Name: <u>Ronald V. Pugliese JR</u>	Parent/Guardian Signature: <u>[Signature]</u>	Date: <u>4/20/23</u>

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

Oath Taken By: James Visdean Signature [Signature] Date Signed 4-20-23



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
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I then heard the cruiser's engine revving and observed the suspect manipulating the gear shift to make the cruiser mobile. The suspect then placed the cruiser into reverse backed up several feet then placed it into drive and drove at me at a high rate of speed. As I was standing there, I made eye contact with the suspect whose eyes were wide open and staring directly into my eyes. He was staring right at me making me believe that he was going to try and run me over. I also observed the suspect was of darker skin tone and had salt and pepper colored hair which matched the suspect description of the Hartford armed carjacking. I believed the suspect was intentionally accelerating at me and I believed my life was in danger. The grill of the cruiser was coming right at me and the tires were turned in my direction. Based on the stare, the look on the suspect's face, and the direction and speed of the vehicle, I believed I was going to be struck and killed. I then fired four rounds at the vehicle.

The vehicle swerved to the right, continuing southbound on Quaker Lane, narrowly missing a school bus before crashing into building #18/20 Davis Drive. The school bus was parked on Quaker Lane at the intersection of Davis Drive. I believe the red lights were flashing and the bus driver was getting ready to let the kids off the bus. This all occurred within a split second and when I fired my firearm, the suspect and cruiser were only about 4-6 feet away from me.

At this point, I believed the suspect was shot and ran in his direction. I also notified dispatch that shots were fired. The suspect struck the building hard enough to turn the cruiser westbound (right) towards the entrance of Davis Drive at Jerome Avenue and continued to slowly roll. The suspect then began to accelerate at a high rate of speed and travel northbound on Jerome Avenue. I notified dispatch of this and Ofc. M. Gotowala was immediately behind the suspect and engaged him in pursuit.

Immediately after this incident, I began hyperventilating which caused difficulty breathing and I had a hard time walking due to the difficulty breathing from running and the adrenaline dump. I had to stop and kneel down as I thought I was going to pass out. I was sweating and lightheaded. Ofc. Levine immediately came to my location and requested an ambulance for me. He then walked me to his cruiser which was locked. This is when I noticed I was standing in front of his cruiser when I fired the shots. I then observed two spent shell casings on the ground but could not

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

Victim/Witness Name: <i>Seth Petzing</i>	Victim/Witness Signature: <i>Seth Petzing</i>	Date: <i>4-20-23</i>
Parent/Guardian Name: <i>Parvick J. Legiese</i>	Parent/Guardian Signature: <i>[Signature]</i>	Date: <i>4/20/23</i>

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

Oath Taken By: *Jane Vidler* Name *[Signature]* Signature *4-20-23* Date Signed



**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
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locate any others. Ofc. Levine and Animal Control Officer Zagurski began to set up crime scene tape for the crime scene.

Bristol EMS then arrived on the scene and I walked to the ambulance. While walking toward the ambulance, I observed the female that was next to the driver's door of the cruiser while the suspect was in it. She asked if she could walk to the entrance of Davis Drive and I told ACO Zagurski that she was a witness and to get her information.

Bristol EMS then brought me to Bristol Hospital to be evaluated for my difficulty breathing and the check my heart with an ECG because a week prior while working my heart went into A-Fib. ECG showed my heart was fine but my pulse and blood pressure were high due to the stress of the situation. I was then given an IV and a sedative to lower my heart rate and blood pressure.

I was later discharged from the hospital and responded to the Chief's conference room where I waited for Connecticut State Police Major Crimes to respond. When the State Police arrived, they seized my firearm as evidence.

This incident was recorded on my body-worn camera. I did not watch the body-worn camera video before writing this report but later viewed it after writing this report.

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

Victim/Witness Name: <u>Seth Petzing</u>	Victim/Witness Signature: <u>[Signature]</u>	Date: <u>4-20-23</u>
Parent/Guardian Name: <u>Raymond J. Petzing</u>	Parent/Guardian Signature: <u>[Signature]</u>	Date: <u>4/20/23</u>

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

Oath Taken By: James Viadaw [Signature] 4-20-23
Name Signature Date Signed