

# **Report of the State's Attorney for the Judicial District of Stamford/Norwalk Concerning the Shooting Death of Paul Arbitelle in Danbury on December 29, 2018**

## 1. Legal Authority for the Report

Connecticut General Statute 51-277a provides in part that whenever a peace officer in the performance of his or her duties uses deadly physical force against a person and such person dies as a result of such force, the Division of Criminal Justice shall cause an investigation to be conducted into whether or not the use of such force was authorized under Connecticut General Statute 53a-22. Until early 2015, the policy of the Division was less clear when it came to the death of an individual caused by the use of non-deadly force used by a peace official. However, recognizing the need for public transparency and the importance of avoiding the appearance of impropriety, in March 2015, at a meeting of the State's Attorneys, the following policy was unanimously adopted:

It is the policy of the Division of Criminal Justice that police departments shall immediately notify the State's Attorney of the judicial district in which any death that occurs to a person in police custody or that appears to have resulted from the actions of a police officer.

It is further the policy of the Division of Criminal Justice that the Division will investigate any death that is determined to have been caused by a police officer's use of force. In such cases, the State's Attorney's Office in the judicial district in which the death occurred may respond to the scene and may provide immediate assistance to the investigating agency. Within a reasonable time thereafter, however, the Chief State's Attorney shall assign a State's Attorney from a judicial district other than the one in which the death occurred to supervise the investigation and to determine whether criminal charges shall be pursued.

This Policy was enacted into law through the adoption of Public Act 15-4 in the June 2015 Special Session of the General Assembly and since codified in Section 51-277a.

Pursuant to this policy, on December 29, 2018, Chief State's Attorney Kevin Kane referred this matter to the State's Attorney's Office for the Judicial District of Stamford/Norwalk for an investigation and the issuance of a report regarding Mr. Arbitelle's death on December 29, 2019.

## 2. Factual Findings

The following factual findings were obtained through an investigation conducted by the Connecticut State Police Western District Major Crime Squad and the Danbury Police Department. Danbury Police Officer Alex Relyea with his K9 partner Gunner and Officer Regina Guss were assisting in attempting to locate a reported unwanted party in the area of 33 Rocky Glen in Danbury. The complainant in that event identified the

unwanted party as Paul Arbitelle who had already left the area and was believed to possibly be at the home of his mother, Linda, located at the Glen Apartments a short distance away.

Officer Alex Relyea with his K9 partner Gunner and Officer Regina Guss proceeded to 25 Memorial Drive, Unit #73, the residence of Linda Arbitelle and knocked on the door. Paul Arbitelle came to the door with a knife in his hand and became confrontational with Officer Relyea, who responded by drawing his duty weapon. Paul Arbitelle exited the apartment and rushed Ofc. Relyea with the knife in his hand at which time Ofc. Guss deployed her Taser striking Arbitelle. This Taser deployment was ineffective and Arbitelle continued to move toward Ofc. Relyea, which resulted in Ofc. Relyea firing his duty weapon at Arbitelle, striking him at least once.

Ofc. Relyea then contacted Danbury police dispatch with his portable radio, advised them of shots being fired and requested assistance. Both officers then requested ambulances to the scene for Paul Arbitelle and for Linda Arbitelle who also appeared to have suffered a gunshot wound.

Responding Danbury Police, EMS and Fire Department units quickly arrived and secured the area and provided medical assistance to Paul and Linda Arbitelle.

Paul and Linda Arbitelle were both transported to Danbury Hospital where Linda Arbitelle received care and treatment for her injuries and Paul Arbitelle later succumbed to his injuries.

No Danbury police officers reported any physical injuries as a result of this incident.

### 3. Medical Findings

Frank Evangelista, M.D., Associate Medical Examiner performed an autopsy on Mr. Arbitelle on December 31, 2018. His examination revealed the following gunshot wounds:

- (1) Entrance gunshot wound of the right upper back
- (2) Exit gunshot wound of the left lateral chest
- (3) Re-entry gunshot wound of the medial left upper arm
- (4) Exit gunshot wound of the lateral aspect of the left upper arm
- (5) Entrance gunshot wound of the right upper arm
- (6) Exit gunshot wound of the medial aspect of the right upper arm
- (7) Re-entry gunshot wound of the right lateral lower chest
- (8) Exit gunshot wound of the right lower back
- (9) Entrance gunshot wound of the lower and lateral aspect of the right side of the chest
- (10) Exit gunshot wound of the mid-right lower back

These gunshot wounds are consistent with witness statements at the scene that Officer Relyea fired his service revolver at Mr. Arbitelle, striking him three times.

Blood samples were taken and revealed Ethanol (blood alcohol content) of 0.18 percent. (By way of comparison, an individual is considered intoxicated when operating a motor vehicle with a blood alcohol content of 0.08 percent.)

The cause of death was determined to be gunshot wounds of the torso and extremities. The manner of death was determined to be homicide (police shooting).

These injuries are consistent with the witness accounts of Mr. Arbitelle's actions on December 29, 2018 and the investigation detailed below.

#### 4. The Investigation

Pursuant to Connecticut General Statutes Section 51-277a, the investigation of the circumstances surrounding the death of Mr. Arbitelle was assigned to the Connecticut State Police Western District Major Crime Squad (WDMC) with the Danbury Police assisting. On December 29, 2018, Chief State's Attorney Kevin Kane assigned this matter to the State's Attorney for the Judicial District of Stamford/Norwalk for investigation and an analysis regarding the legality of use of force by the Danbury police officer involved.

#### THE SCENE

This incident took place on Saturday, December 29, 2018, at approximately 2130hrs in front of Unit #73 of the Glen Apartments located at 25 Memorial Drive in the City of Danbury. The initial confrontation between Paul Arbitelle, also known as Paul Stout, date of birth of October 1, 1973, and Danbury Police officers Alex Relyea and Regina Guss, took place in the threshold of Unit #73, and then continued outside in the area in front of the apartment.

#### THE INCIDENT

On Saturday December 29, 2018, the Stamford State's Attorney's Office requested the assistance of the WDMC with the investigation into the use of deadly physical force involving two on-duty Danbury Police officers. The WDMC was assigned to assist with the investigation, with the Troop A office having the lead investigative responsibility. The use of deadly physical force occurred when Danbury Police received a call regarding a reported unwanted party in the area of 33 Rocky Glen in Danbury. The caller for that event, Charles Pickel, identified the unwanted party as Paul Arbitelle. Danbury police officer Alex Relyea was on patrol working his regular 4 p.m. to midnight shift when he heard dispatch send two other patrol units to the area of Rocky Glen Road for a report of an unwanted party who was intoxicated and trying to start a fight with the complainant. He checked the call notes and saw that dispatch had entered a name of "Paul Arbitel" which was provided by the caller. In their written statements, both Officer Relyea and Officer Guss state that they had previous encounters with Paul Arbitelle where he was volatile and combative with officers.

Officer Relyea noticed that the two Officers dispatched to this incident had very little road experience in the City of Danbury and were likely unfamiliar with Arbitelle's extremely violent history towards police and citizens. He notified dispatch that he would be responding to this call due to the fact that Arbitelle had a violent history. Officer Relyea believed it necessary to have more than two officers on the scene for officer safety reasons in the event Arbitelle became aggressive. Officer Relyea stated that dispatching additional officers was a normal response for incidents such as this where more manpower could deescalate a situation.

When Officer Relyea arrived in the area of Rocky Glen Road, he saw Officer Regina Guss (#605) speaking with the complainant, Charles Pickel. Officer Relyea overheard from the complainant that Arbitelle was drunk and attempting to fight with him. Mr. Pickel also mentioned to Officer Guss that Arbitelle would likely fight the police as he had done in the past. Mr. Pickel told Officer Guss that he thought Arbitelle was staying with his mother in the Glen Apartments a short distance away.

Officer Guss and Relyea then drove to the Glen Apartments entrance from Rocky Glen Road. Officer Relyea opened the Danbury Police Department records system via the computer in his police cruiser and saw that a female with last name Arbitelle lived in unit #73. Both officers parked in the lot for the southernmost entrance to the Glen Apartments. The two officers and Officer Relyea's K9 partner Gunner, then proceeded to Unit #73. Officer Relyea knocked on the front door and Officer Guss positioned herself on the corner of the unit to see both the front and side of the building. No one responded to the knock at the door, nor did either officer report hearing any sounds or seeing any movement from inside. Officer Relyea reported that after approximately ten seconds, the inner door opened quickly and he saw a male in the doorway who he recognized to be Arbitelle. Officer Relyea stated he was standing approximately twelve to fifteen feet from the door at that time and could clearly see Arbitelle's body but not his hands, which were at his sides. Officer Relyea later stated Arbitelle was staring directly at him when he cocked his head to the side and tensed his arms and shoulders in an aggressive fighting posture.

According to the obtained statements, Officer Relyea stated that he spoke first and said something like, "Is that how this is going to go?" Arbitelle immediately responded by saying something like, "yeah, it is." Arbitelle then quickly raised a large knife approximately eight to ten inches in blade length with his right hand directly in front of his face. Upon seeing this, Officer Relyea took several steps backwards, radioed to dispatch that the party had a knife, and requested more units. Officer Relyea yelled to Arbitelle several times directing him to drop the knife while he was attempting to open the door, but he did not. Arbitelle opened the door and advanced toward Officer Relyea with the knife still in his hand. Upon crossing the threshold and exiting the apartment, Officer Gus deployed her TASER at Arbitelle but it was not effective. Arbitelle continued to advance toward Officer Relyea at which time the officer fired his firearm several times at Arbitelle until he stopped advancing. Arbitelle then took a few steps backward with the knife still in his hand. Officer Relyea continued his verbal commands

directing Arbitelle to drop the knife. After a few more moments, Arbitelle dropped to the ground. The knife fell from his hand in close proximity to where he fell to the ground. Officer Relyea radioed that shots had been fired and maintained visual contact on Arbitelle and the knife until backup officers arrived. Officer Mathew Martin arrived to observe Mr. Arbitelle run towards Officer Relyea with the knife in his hand, and Officer Relyea discharge his weapon. Officer Martin, Officer Nazzaro and Officer Michael rendered aid to Mr. Arbitelle. At the same time, Officer Guss, assisted by Officers Martin, Nazzaro and Michael began providing care and requested a medical response for a second gunshot victim that had exited the apartment from which Arbitelle had come. This gunshot victim was later identified as Linda Arbitelle, Paul Arbitelle's mother.

Once additional officers were on scene, Officer Relyea secured his K9 in his assigned vehicle and helped manage the scene.

### THE AUTOPSY

The autopsy of the deceased was performed by Dr. Evangelista at Office of the Chief Medical Examiner in Farmington. Dr. Evangelista's report, along with supplemental toxicology and fingerprint identification reports were prepared. The toxicology report identified that the deceased had a blood alcohol content of .18g percent at the time of the examination. The fingerprint comparison completed positively identified the deceased as Paul Arbitelle, with a date of birth of October 1, 1973. The report detailed the decedent's injuries from three bullets. The reported trajectories, in no specific order, were:

- a bullet entered the lower and lateral aspect of the right side of the chest, perforated the right lobe of the liver and right kidney before exiting the right lower back.

- a bullet entered the right outer upper arm and exited the medial upper right arm. The bullet re-entered the body at the right lateral lower chest and exited the mid right lower back.

- a bullet entered the right upper back, perforating the chest cavity and exited the left lateral chest. This bullet re-entered the medial left arm and exited the lateral left arm.

Dr. Evangelista certified the cause of death as gunshot wounds of the torso and extremities and the manner of death as homicide.

These injuries are consistent with the witness statements that Mr. Arbitelle approached Officer Relyea with a knife, Officer Relyea fired at Mr. Arbitelle who continued to move forward holding the knife, as he was hit Mr. Arbitelle turned and was struck in the side and back.

### THE INVESTIGATION

The WDMC was assigned to investigate this incident, supported by the WDMC van, which documented and processed the scene for evidence. Numerous individuals were interviewed regarding the incident. Statements were obtained from Officer Relyea and Officer Guss as well as reports from other Danbury police officers who responded to the scene. Recordings of Danbury Police Department 911 and radio calls were seized. In-car dash cam video and surveillance video from the Glen Apartments were also obtained. A review of the video available found that no camera view captured any part of the incident. The police video captures the back-up officers responding to the scene. The apartment video has views of the parking area and some sidewalks but no views are from the area of Unit #73 because no cameras are present there. Several of the items seized as evidence were sent to the State Police Forensic Laboratory for further analysis as appropriate.

#### EVIDENCE RECOVERY

Several evidentiary items were recovered from Danbury Hospital and from the scene of the incident during the Van Unit's processing on December 29 and December 30, 2018. Additional items were seized from the Office of the Chief Medical Examiner (OCME) in Farmington on December 31, 2018, at the time of the autopsy of the deceased.

Recovered at the scene in, and in front of, Unit #73 of the Glen Apartments was an Ergo Chef Prodigy Series kitchen knife with black handle and approximate six-inch blade, one expended TASER cartridge (including doors and probes), three expended copper-jacketed bullets, and six expended Speer 9mm shell casings.

Recovered from Danbury Hospital (Linda Arbitelle) was one expended copper-jacketed bullet. Recovered from the OCME (Paul Arbitelle/Stout) was one expended copper-jacketed bullet.

A Glock 17 9mm pistol (s/n BHCA204) with Surefire light, a 17 round magazine and twelve (12) rounds of Speer 9mm Luger JPH cartridges were obtained from DPD Sgt. Cassaza who had obtained them from Officer Relyea. The handgun has a maximum capacity of 17+1 (17 rounds in the clip and 1 in the chamber) rounds.

Also obtained from DPD Sgt. Cassaza was one (1) Taser EDW (s/n: X13000PAM) with one (1) cartridge (grip) that had been obtained from Officer Regina Guss.

All casings, projectiles and the handgun gun were sent to the State Police Forensic Lab for comparison. The results of this comparison have not yet been received. At no time in this investigation has there been any evidence or indication that any other firearm, besides Danbury Officer Relyea's, was discharged in the course of this incident.

Also seized was a thumb drive containing security video from the Glen Apartments located at 25 Memorial Drive in Danbury. The apartment complex was

outfitted with external digital video surveillance cameras. Only two of the cameras capture video of Danbury Police Officers. One is of officers arriving and parking in the main parking lot. The other camera captures officers walking toward Unit #73. No cameras in the complex cover Unit #73 or of the surrounding apartments. As such, the incident was not captured on video.

Other items, such as the decedent's and female victim's clothing, were seized and aided in identifying the bullet injuries.

#### WITNESSES

William Varian, who lives next door to Linda Arbitelle in Unit #74, provided a written statement to Detective Flynn on December 30, 2019, at 1320 hours, where he stated: "On Saturday December 29, 2018 at around 10:00 p.m. I was in my home in bed when I heard what I knew to be gunshots. My window was open so I knew the shots were close. I heard at least five shots and got on my floor because I was nervous. After the shots I heard someone say, "where's the knife", or "get the knife". I also heard someone say, "Shots fired". I opened my door to see what was going on but was told by officers to close my door and stay inside. I did not hear or see anything before I heard the gunshots. At the time this was happening my TV was on and I have the volume up".

Linda Tarallo, the wife of Paul Arbitelle, met with Detective Flynn on February 18, 2019, at 1400 hours. Linda Tarallo declined to provide a written statement but did tell Detective Flynn that that she is the wife of Paul Arbitelle and that they met in February of 2015 and were married on June 2, 2016. They have no kids together. Linda stated that Paul was recently incarcerated and was released from prison in September 2018. She stated that they were not currently living together and that he was living with his mother, Linda Arbitelle, at the Glen Apartments in Danbury. Linda Tarallo indicated that her relationship with Paul became strained when he was drinking. She stated that the Thursday prior to the incident, on December 27, she had been with Paul when he had been drinking and he gave her a story of how his motorcycle had been taken and that he needed forty dollars from her to get it back from the men who had taken it. She stated Paul was intoxicated and she did not believe his motorcycle had been taken; rather he was just trying to get money for more alcohol. She stated that she recorded part of the conversation on her phone where Paul was claiming he was attempting to get his motorcycle back. She stated that she did not give Paul any money but watched him walk to an apartment where Paul said the motorcycle was and later saw him drive away from the apartment on the motorcycle. She stated they spent the day together on Friday the 28<sup>th</sup> and that it was a good day. She stated the day ended when she dropped Paul off at his mother's place around 11:00 p.m. She stated that they planned to spend Saturday the 29<sup>th</sup> together and have the holiday dinner they missed at Christmas. She explained things got off to a rough start when Paul started texting at 8:00 a.m. asking where she was. Linda stated that she picked Paul up at his mother's house around 10:00 a.m. and went to a number of stores before dropping him off back at his mother's home around 2:00 p.m. She stated that he wanted to go for a ride. She stated that they were apart until around 5:00 p.m. when he arrived at her house on his motorcycle. She stated that as soon as she

met him she knew he had been drinking. They went to area stores that included Stew Leonard's and Trader Joes but ended up fighting and returned to her house. Once there, Paul got out of the car and said he wanted another drink but she did not want to give him one. She stated that when he got out of the car she ended up locking the door and driving away from him rather than continue to fight. She states that she found a place to park where she could watch him and after some time saw him walk away from her house. She stated that she ended up going out with friends for dinner instead of being with Paul. She stated that when she got home she discovered that Paul had apparently entered her home and taken the roast and other items out of the refrigerator that was going to their meal that night. She stated that was the start of the text messages that were on her phone that night. Linda stated she had told Paul in the texts that she was going to call the police and believes she even stated that they were on their way to see him though she never actually followed through with contacting the police. She stated that after a time she stopped hearing from Paul and assumed it was because either he ran out of minutes on his cell phone or the battery had died. Both had happened in the past. Linda stated that later in the evening friends had contacted her stating that there was a lot of police activity near her house, which was not far from Linda Arbitelle's home. Linda states she eventually drove to the area of Rogers Park and approached an officer and asked if Paul was involved. When she identified herself as his wife, she eventually ended up speaking to a Danbury officer where she voluntarily provided them her phone.

Linda Arbitelle, in the presence of her attorney, provided a written statement to Detective Flynn on February 19, 2019, at 1230 hours where she stated, "On Saturday December 29, 2019, I was at my home in the Glen Apartments watching TV with my friend Richard Hadden. At around 7:54 p.m. my son Paul arrived at my home. Paul does not live with me but will spend the night if he is fighting with his wife. When Paul came in he asked to use my phone and I let him use my phone. Paul used my phone to call his wife and I heard him arguing, about what I do not know. At some point Paul left my home and returned a short time later. I believe it was shortly before 9:00 p.m. when he returned because my friend Richard had already left. I was sitting on my bed and Paul was seated in the recliner when I heard him say, "That's how you want it", or, "That's how it's going to be" or words to that effect. He was speaking into the phone at the time. He then got out of the recliner and walked into the kitchen. I heard a jingling noise that I recognized as my silverware drawer coming from the kitchen. When Paul came out of the kitchen, he had the phone to his ear. I did not see anything else in his hand. He then walked directly to my front door and opened it. Paul walked outside and moved to his left and I was walking outside behind him. I saw a flashlight directed at Paul and then heard a bunch of bangs. I turned and looked toward Paul and saw him on the ground and saw his body jerk. That when I felt a horrible impact on the right side of my stomach. I turn my head and saw a form and I said, "Why did you shoot me"? The next thing I remember I was sitting in my recliner and a police officer was kneeling by my right hand side. The officer was putting pressure on my side. I asked again, "Why did you shoot me?" I remember asking the police, twice, to call my daughter so she could get my dog Fred. The next thing I remember was waking up in the hospital the next day." In addition, when asked how many bangs or shots she had heard, Linda stated at least four. When asked if she heard any bangs after the "bunch" she spoke of she stated no.



Charles Pickel, the caller who reported Paul Arbitelle to police, met with Detective Flynn on April 17, 2019, at 1200 hours and provided a written statement where he stated: "My name is Charles Pickel but I go by Charlie. I have known Paul Arbitelle for nearly 25 years having met him in high school in the early 90's, maybe 1992 or 1993. I would say we have been friends for most of that time. In the past, I have allowed him to stay on a property, in a tent, that I used to own. I also let him live in my home, in my basement, up till the point he stole five thousand dollars in tools from me. I let him stay because I felt sorry for him and wanted to help. I have always known Paul to be violent and confrontational.

Back in December of last year, shortly after Christmas I was at my home, in my driveway getting saw files out of my truck when I heard the sound of footsteps on the gravel driveway coming up behind me. I quickly turned around and saw Paul Arbitelle about six feet away. He began speaking to me saying, "I hear you've been talking shit about me". He appeared intoxicated because I could smell it on his breath and was staggering a bit. I saw he had his hand on the handle of a large hunting knife that he had sticking out of the backpack he had on. This was a knife I had seen him with it before. I saw that he was still walking toward me so I grabbed a leg to a wood chipper for self-defense and said to him, "Are you sure you want to do this?" with that leg in my hand. We exchanged words for a bit before Paul began backing away from me. The last thing Paul said to me before he turned and walked away toward the Glen Apartments was, "I'll be back, I'll take care of it and that will be the end of it tonight". I knew that statement to mean that he would be back to harm me, my family and or my property. That being the case, I called the police to report the incident. After Paul left I did not see him again."

#### VICTIMOLOGY

A criminal records check was conducted on the decedent, Paul Arbitelle, also known as Stout (date of birth April 27, 1991). This check found that Arbitelle/Stout has a record of fifteen previous arrests in Connecticut, the majority of which occurred in Danbury. The first arrest was on June 19, 1991, for Criminal Trespass and the most recent was on June 21, 2016, where he was arrested on multiple charges of threatening. For this most recent arrest, Arbitelle/Stout received a sentence of 30 months in jail. He was discharged for this offense for time served on September 26, 2018. The other arrests are for many offenses that include Breach of Peace, Criminal Mischief, Assault, Criminal Possession of a Gun, Threatening, Interfering and Assault on Police Personnel.

#### SUMMARY

Officer Alex Relyea and Officer Regina Guss are sworn members of the Danbury Police department and were on duty, wearing their issued department uniforms, working patrol on Saturday December 29, 2018. On that evening, both officers responded to 33 Rocky Glen Road for a report of an intoxicated person who had been identified by Charles Pickel as Paul Arbitelle. Once Officer Guss met with Pickel and learned that Paul Arbitelle had left the area, she, Officer Relyea and his K9 partner Gunner, proceeded to

the Glen Apartments a short distance away to attempt to make contact with him at Arbitelle's mothers apartment.

Once at Unit #73 of the Glen Apartments, Officer Relyea knocked on the apartment door while Officer Guss positioned herself on the corner of the unit in order to see both the front and side of the building. After approximately ten seconds, the inner door to the apartment opened quickly to reveal Paul Arbitelle standing in the doorway. Officer Relyea stated he could see Arbitelle's body but not his hands. Arbitelle was seen tensing his arms and shoulders in what was described as an aggressive fighting posture. Officer Relyea spoke first and said something like, "Is that how this is going to go?" Arbitelle immediately responded by saying something like, "yeah, it is." Arbitelle then quickly raised a knife with his right hand directly in front of his face and twisted his wrist, which moved the knife briefly so Officer Relyea could see the reflection from the metal blade. Officer Relyea reports that Arbitelle kept eye contact with him and kept the knife displayed while trying to open the outer door with his other hand. While attempting to open the door, Officer Relyea took several steps backward and called dispatch on his radio informing them of the party having a knife and requesting additional units. Also during that time, Officer Relyea gave several clear and loud commands for Arbitelle to drop the knife and drew his assigned duty pistol from his holster and pointed it toward Arbitelle. At one point Officer Relyea warned Arbitelle that he would use deadly force if he did not follow his commands.

Rather than comply with the commands to drop the knife, Arbitelle opened the outer door and advanced toward Officer Relyea and his K9 with the knife still in hand. Upon seeing Arbitelle exit the apartment with knife in hand and advance toward Officer Relyea, Officer Guss deployed her TASER, which proved ineffective.

Arbitelle then continued to move forward, closing the distance between himself and Officer Relyea. At that time, Officer Relyea fired his weapon at Arbitelle multiple times until he stopped advancing. Arbitelle ceased advancing and eventually dropped to the ground approximately fifteen feet in front of Office Relyea. The knife then fell in close proximity to his right hand and he was face down.

Once Arbitelle was on the ground, Officer Relyea radioed to dispatch that shots had been fired and requested EMS to the scene. Shortly after this, Officer Guss identified an elderly female, later identified as Linda Arbitelle, exiting Unit #73 stating she had been shot. Officer Guss began providing medical care to her and requested EMS through police dispatch for a second gunshot victim. Additional officers were on scene shortly thereafter, at which time Paul Arbitelle and the knife he had were secured. Additional officers were on scene immediately and EMS arrived within minutes to render aid. With additional officers now on scene, medical care was provided to Paul Arbitelle. Officer Relyea then secured his K9 partner in his assigned vehicle and then directed arriving officers and EMS personnel until relieved. At that same time, Officer Guss attended to Linda Arbitelle and assisted in providing medical aid until EMS personnel arrived on scene.

## 5. Legal Analysis

Connecticut General Statutes Section 53a-22 sets forth the circumstances under which a peace officer may employ force in the performance of his or her duties. A peace officer is justified in using physical force to effectuate an arrest or prevent an escape, or to defend himself/herself or others from the imminent use of force. A peace officer is permitted to use deadly force in the performance of his/her duties if he/she has a reasonable belief that such force is necessary to defend himself/herself from the use or imminent use of deadly physical force, or to effect a felony arrest which involves the use or threatened use of serious physical force.

In *State v. Smith*, 273 Conn 173, 185, the Connecticut Supreme Court announced a standard to be used in determining if an officer's use of force was justified and reasonable. In making this determination, the Court held that one must look at both the "subjective" and "objective" reasonableness of the officer's conduct. Using this two-step analysis, one must look first at whether or not (1) the officer subjectively expected that the force used would cause death or serious injury, and then (2) whether or not the officer's expectation was objectively reasonable.

The Danbury Police Department has enacted a general order covering use of force. DPD General Order #2500 Use of Force includes sections on use of force and use of deadly physical force. Section III has the Danbury Police Departments policy on use of force and provides the federal and state standards followed.

### Conclusion

Paul Arbitelle tragically died on December 29, 2018, after a confrontation with Officer Alex Relyea of the Danbury Police Department. It is the conclusion of this State's Attorney that Officer Relyea believed the use of deadly force was necessary to defend himself from the imminent use of deadly physical force. It is further concluded that Officer Relyea acted in conformance with the Danbury Police Department Procedures and Policies and Connecticut law in employing deadly force to protect himself or another, and that his belief was objectively reasonable. The use of such force was both reasonable and justified under the circumstances. Therefore, I have determined that Officer Alex Relyea was justified in his use of deadly force upon Paul Arbitelle, and that such force was appropriate under section 53a-22c of the General Statutes.

For the foregoing reasons, the Division of Criminal Justice will take no further action with respect to the use of force in this case.

Respectfully Submitted,

Richard J. Colangelo, Jr.  
State's Attorney  
Judicial District of Stamford/Norwalk  
July 10, 2019