

Report Concerning an Officer-Involved Use of Force in Waterbury on December 8, 2020

I. INTRODUCTION AND LEGAL AUTHORITY

Introduction

On December 8, 2020, at approximately 1415 hours, three Waterbury Police Officers were effecting a felony arrest of Robert Harrison on Marley Place, a dead end street in Waterbury that intersects with Wolcott Street. While the officers were effecting this arrest, two stolen vehicles (an Audi SUV and a Volkswagen SUV) drove from the dead end portion of Marley Place at a high rate of speed toward Wolcott Street in a clear attempt to flee the police presence. The drivers of the vehicles drove directly at the three officers and the detainee, and rammed into and through the three police cruisers, a civilian vehicle, and an occupied undercover police surveillance vehicle, that were parked on Marley. The occupant of the undercover vehicle, Officer Marc Sharoh, suffered a concussion and other injuries, as a result of the crash. The driver of the first stolen vehicle fled the scene, ultimately crashing into an occupied civilian vehicle and almost hitting several pedestrians, before abandoning the car in Waterbury that same day. The driver of the second vehicle continued his attempt to flee, despite commands to stop from Officer Ronald Sackett, and drove directly at Officer Garrett Pagel. Officer Pagel fired his duty weapon multiple times at the vehicle, hitting it six times. Despite this confrontation, the driver of the second vehicle fled the scene and abandoned the vehicle in Waterbury that same day. A 16-year-old male was later identified as the alleged driver of the second stolen vehicle, and arrested for felony Attempted Assault on an Officer, as well as other crimes. Neither the juvenile male driver, nor Officer Pagel, nor the detainee Robert Harrison, was injured. Another officer on scene, Officer Charles Mauriello, suffered a non-life threatening injury after being hit by friendly fire. Within an hour, Chief State's Attorney Richard J. Colangelo, Jr. assigned the undersigned author the task of conducting an investigation and completing a report as to whether or not the use of deadly force by Officer Pagel was justified under Connecticut General Statute §53a-22(a). Contemporaneously, the undersigned renewed the request already made by local authorities for the assistance of the Connecticut State Police ("CSP") Western District Major Crime Squad ("WDMCS") to investigate this matter. Prior to the arrival of the CSP, the scene was secured by the Waterbury Police Department, Inspectors from the Waterbury State's Attorneys' Office, and Litchfield State's Attorney's Office Inspector Forrest John Beaulieu. Members of the WDMCS responded and began processing the scene and canvassing the area, securing witness statements and collecting evidence. The WDMCS then completed a comprehensive investigation which took months, ultimately culminating with a summary report which was provided to the Litchfield State's Attorney's Office on September 20, 2021.

Legal Authority

Connecticut General Statutes §51-277a, as amended by Public Act 21-8, effective May 6, 2021, provides in relevant part:

(a)(1) 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 physical force by the peace officer was justifiable under section 53a-22.

Connecticut General Statutes §51-277a, as amended by Public Act 19-90, effective October 1, 2019, provides in relevant part:

(a)(1) 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 described in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and shall have the responsibility of determining whether the use of physical force by the peace officer was appropriate under section 53a-22, as amended by this act. The division shall request the appropriate law enforcement agency to provide such assistance as is necessary to determine the circumstances of the incident. .

(b) In causing an investigation to be made pursuant to subdivision (1) of subsection (a) of this section, the Chief State's Attorney shall, (1) as provided in section 51-281, designate a prosecutorial official from a judicial district other than the judicial district in which the incident occurred to conduct the investigation, or (2) as provided in subsection (a) of section 51-285, appoint a special assistant state's attorney or special deputy assistant state's attorney to conduct the investigation. The Chief State's Attorney shall, upon the request of such prosecutorial official or special prosecutor, appoint a special inspector or special inspectors to assist in such investigation.

(c) Upon the conclusion of the investigation of the incident, the Division of Criminal Justice shall file a report with the Chief State's Attorney which shall contain the following: (1) The circumstances of the incident, (2) a determination of whether the use of physical force by the peace officer was appropriate under section 53a-22, as amended by this act, and (3) any future action to be taken by the division as a result of the incident. The Chief State's Attorney shall provide a copy of the report to the chief executive officer of the municipality in which the incident occurred and to the Commissioner of Emergency Services and Public Protection or the chief of police of such municipality, as the case may be, and

shall make such report available to the public on the division's web site not later than forty-eight hours after the copies are provided to the chief executive officer and the commissioner or chief of police.

Timeline

In recognition of the public interest in the length of time these investigations take to complete, the following timeline of significant events is provided:

December 8, 2020 Use of Deadly Force, scene is processed, investigation begins; Civilian Witnesses #1, #2 and #3 provide sworn statements. Police interview Ronald Harrison.

December 10, 2020 Public Act 19-90 Status Report submitted.

January 5, 2021 Officer Garrett Pagel provides sworn statement.

January 6, 2021 Officer Marc Sharoh provides sworn statement.

January 8, 2021 Officer Ronald Sackett provides sworn statement.

March 10, 2021 Officer Charles Mauriello provides sworn statement.

September 1, 2021 Forensic Lab emails report from its firearms unit to Litchfield State's Attorney's Office.

September 20, 2021 Western District Major Crime Squad (WDMCS) submits summary report to Litchfield State's Attorney's Office which completes their investigation materials.

September 20, 2021 Litchfield State's Attorney Report submitted to Office of the Chief State's Attorney.

II. FACTUAL SUMMARY

The following factual summary is based upon, *inter alia*, reports prepared by members of the Western District Major Crime Squad; reports prepared by members of the Waterbury Police Department; sworn statements provided by the four Waterbury police officers involved in this incident; civilian surveillance footage that captured the incident; photographs, videos and laser mapping taken and conducted by the Western District Major Crime Squad; dispatch records; witness statements; and forensic analysis conducted by the Department of Public Safety Division of Scientific Services Forensic Lab ("Forensic Lab").

On December 8, 2020, officers with the Waterbury Police Department were looking for Robert Harrison, a black male who had been identified as a suspect in a domestic violence related armed kidnapping in New Britain on December 7, 2020. Harrison, and another person identified as "Trey," a Hispanic male, were alleged to have forced a female into a car at gunpoint. Robert Harrison was well known to officers in the Waterbury Police Department Auto Theft Task Force ("ATTF"), based upon multiple prior investigations and arrests involving him. Members of the ATTF routinely monitor the social media platforms of known car thieves, in an effort to gain intelligence. On December 7, 2020, Officer Ronald Sackett, who was assigned to the ATTF, had been monitoring the known social media account of Robert Harrison, which was created using the pseudonym "Larry Hover." While monitoring the account, Officer Sackett observed that Mr. Harrison had posted a Facebook live video at 1330 hours which lasted approximately 12 minutes. In the video, Robert Harrison brandished a large silver handgun. Mr. Harrison removed the magazine from the handgun and displayed the bullets to the video viewers to show that it was real. Mr. Harrison then stated that he was looking for a male named "Zay" and that when he found him, he was going to shoot him in the face. This information was shared with all officers searching for Mr. Harrison.

While searching for Robert Harrison, the Waterbury Police Department received information that Harrison's girlfriend lived on Marley Place, Waterbury. Based upon that information, Officer Sackett, as well as Officers Charles Mauriello and Marc Sharoh, who were also assigned to the ATTF, and Officer Garrett Pagel, who was assigned to the Waterbury Police Department Vice and Intelligence, Street Crimes Unit ("V & I"), responded to the area. All four officers are white.

At approximately 1300 hours on December 8th, Officer Sackett and Officer Mauriello located a stolen Audi SUV parked in the rear lot of 9 Marley Place. Marley Place is a dead-end road that intersects with Wolcott Street. The residence at 9 Marley Place is located at the top of the hill, which is at the dead-end portion of Marley Place. Officer Sharoh, who was operating an unmarked undercover police vehicle, parked near the bottom of Marley Place facing Wolcott Street, in order to conduct surveillance of the area for Robert Harrison. Officers Sackett, Mauriello and Pagel, who were operating unmarked police cruisers equipped with sirens and front and rear emergency vehicle lights, positioned in a parking lot just down the road from Marley Place.

At approximately 1415 hours, Waterbury Sgt. Robert Raad directed the officers to end their surveillance operation and recover the stolen Audi located at 9 Marley Place. At approximately 1422 hours, Officer Sackett requested a patrol unit come to handle the recovery, so that the unmarked surveillance vehicle would not be identified by the public. While awaiting the arrival of the patrol vehicle, Officer Sharoh observed a dark-colored Volkswagen SUV turn onto Marley and back into the driveway where the stolen Audi was parked. Officer Sharoh then observed Robert Harrison walk around the corner of Wolcott Street and onto Marley Place. Officer Sharoh advised the other officers of this activity via radio transmission.

Upon hearing that Harrison was on Marley Place, Officers Sackett, Mauriello and Pagel each responded in their unmarked cruisers with front and rear emergency lights activated. Officer Sackett pulled in first; Officer Mauriello pulled in second; and Officer Pagel pulled in third. Given the narrowness of the roadway, and the number of parked

vehicles lining it, the vehicles of the three responding officers effectively blocked the road in a manner to prevent other law-abiding vehicles from entering or exiting. Officers Sackett, Mauriello and Pagel exited their vehicles and approached Mr. Harrison. All three officers were wearing tactical police vests with their police badges clearly displayed. Additionally, the vests worn by Officers Sackett and Pagel had the word "POLICE" clearly written on both the front and back of the vests. The officers gave verbal commands for Mr. Harrison to stop and place his hands behind his back. Mr. Harrison was yelling comments up the hill toward the dead-end portion of Marley Place, and an unknown person started running down toward him and the police. Ultimately, officers forced Mr. Harrison's hands behind his back and detained him on the eastern shoulder of Marley Place.

Minutes after police detained Mr. Harrison, they heard the sound of revving engines and observed a dark-colored Audi SUV (later confirmed to be the vehicle that the ATTF had identified as stolen) driving directly at them and their cruisers. Officers Sackett and Pagel quickly moved for cover, while Officer Mauriello grabbed Mr. Harrison and pulled him farther into the eastern shoulder of Marley Place to safety. The Audi rammed into the rear driver's side of the unmarked police surveillance vehicle occupied by Officer Sharoh, pushing the police vehicle forward significantly and to the right. The Audi hit the vehicle with such force that its front passenger tire went airborne as it drove over the front driver's side of the unmarked police vehicle. Both Officer Sackett and Officer Pagel had to run to avoid being hit. The Audi continued toward Wolcott Street and rammed the driver's side of the third cruiser with enough force to move that cruiser as well. The Audi then turned right onto Wolcott Street and fled from the police. Officer Sharoh suffered a concussion and other injuries as a result of the Audi crashing into his vehicle.

Officer Pagel got into his cruiser to pursue the Audi. Officer Pagel indicated in his statement to police, "As I was entering my police vehicle, I observed Officer Sharoh [in the undercover police surveillance vehicle] to appear to be slumped over and what I thought was unconscious." Seconds after the Audi turned onto Wolcott Street, a second dark-colored SUV (later identified as a stolen Volkswagen SUV) revved its engine and rammed into the passenger side of the first cruiser, moving the entire cruiser to the west. The Volkswagen hit the first cruiser with such force that its passenger front tire was airborne as it drove over the rear end of the cruiser. Officer Sackett just barely avoided being hit by the cruiser, and was yelling commands for the driver to stop. Officer Mauriello and Robert Harrison barely avoided being hit by the Volkswagen. The Volkswagen drove directly into a white van parked on the western shoulder of Marley Place and rammed it forward. Officer Pagel indicated in his statement to police the following: "When I entered my vehicle, I heard another engine revving, followed by another loud collision sound. I looked up and saw Officer Sackett wedged in between a white van and another black SUV. I then heard muffled screaming from Officer Sackett's direction, and observed this black SUV still revving its engine trying to break free. From my seated angle and looking uphill, I was under the impression that this second SUV had hit Officer Sackett and pinned him into the white van." The Volkswagen then reversed, and the driver's side back passenger door opened, indicating that there was at least one other occupant in the vehicle. Robert Harrison told police that he thought that the occupant fired a gun at police. Officer Pagel

indicated the following in his statement to police: "I then observed the rear driver's side door of this black SUV begin to open. I made the decision to exit my vehicle, to assist these injured officers. I continued to hear this black SUV revving its engine as well as muffled screams." Approximately one second after Officer Pagel exited his cruiser, Officer Sackett drew his gun. At approximately the same time that the passenger door opened on the stolen vehicle, Officer Pagel hurriedly exited his cruiser, leaving the driver's door open and the car in gear. Officer Pagel's cruiser rolled backward across Wolcott Street and into a parking lot across the street. Approximately one second after he exited his cruiser, Officer Pagel drew his firearm, and ran for cover. Meanwhile, the Volkswagen accelerated forward again and rammed the driver's rear side of the second cruiser. Then the Volkswagen accelerated and drove directly at Officer Pagel.

Officer Pagel indicated in his statement to police, "My immediate thought was that this car was going to hit me or Sharoh's car and that both of our lives are at risk." Officer Pagel stated in his sworn statement to police, "I then made the decision to discharge my department issued S & W MP .40, as I felt my life as well as Officer Sharoh's were in immediate deadly physical danger. My intention was to stop the immediate threat that I was faced with and to prevent death or serious physical injury to myself and/or Officer Sharoh. I fired multiple rounds with the intended target of the driver's side area of the windshield of the second black SUV." Approximately one second after Officer Pagel drew his firearm, while he was simultaneously running for cover, the back windshield of the second cruiser shattered from an apparent gunshot. A piece of a metal casing was recovered from the windshield by the Major Crime detectives, confirming that the vehicle was hit by a bullet. At about the same time, surveillance video shows Officer Mauriello moving backward in a marked fashion, suggesting that it was at that moment that he was hit by the bullet. One second later, the Volkswagen collided with the wall on the eastern shoulder of Marley Place just prior to turning left onto Wolcott Street. According to surveillance footage that was seized, approximately three seconds passed between the time that Officer Pagel drew his firearm and the time that the Volkswagen turned onto Wolcott Street.

Officers Sackett and Pagel assisted Officer Mauriello into the second cruiser, and Officer Pagel drove Officer Mauriello to St. Mary's Hospital for treatment. Officer Sharoh exited his undercover vehicle, and remained with Mr. Harrison until a patrol vehicle arrived. Surveillance video shows that Officer Sharoh was limping significantly.

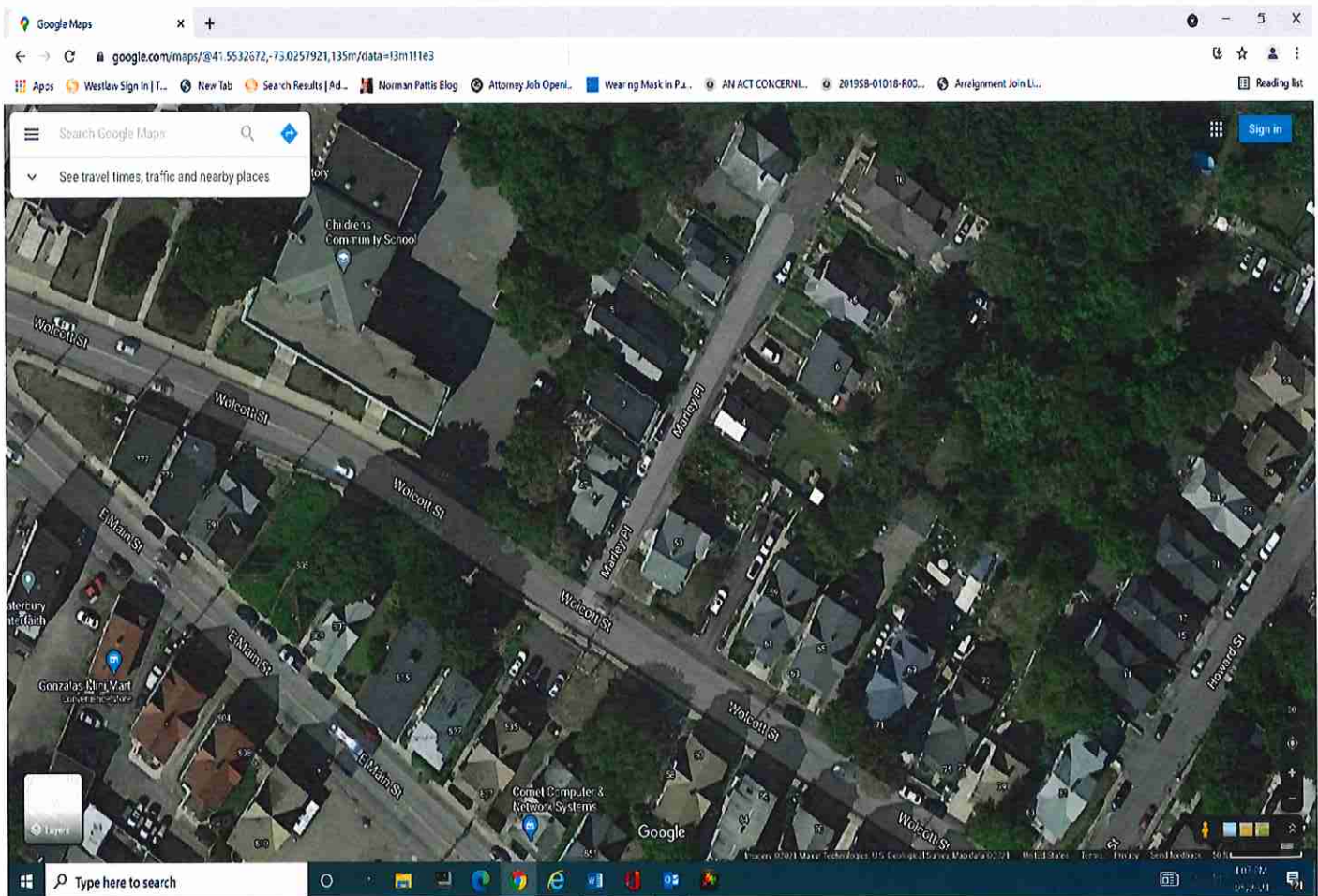
The investigation revealed that the stolen Audi SUV took a right out of Marley Place and continued to travel west on East Main Street. The Audi rammed the rear of a Honda Accord that was driving west on East Main Street. The Audi struck the Honda so hard that it was pushed onto a sidewalk where numerous bystanders had to move out of harm's way. The Audi then turned right onto Williams Street, ultimately striking an unoccupied white SUV. The male driver and a female passenger then ran up Williams Street, and have not yet been identified.

The stolen Volkswagen SUV was seen on Monroe Avenue by a detective conducting surveillance in an unrelated case. The detective saw several people exit the vehicle and run. The detective broadcast descriptions and ultimately, a 16-year-old Hispanic male was located in the area of 79 Woodward Avenue, and placed under arrest. The juvenile male confessed to driving the Volkswagen SUV at officers. The other occupants of the vehicle have not yet been identified.

Seven civilian vehicles passed Marley Place while traveling on Wolcott Street in the 48 seconds between the time that cruisers arrived on Marley Place and the time that the second SUV turned onto Wolcott Street, giving an indication of the level of traffic volume on the street at the time, and the risk to the public posed by the drivers of these fleeing stolen vehicles.

The investigation further revealed that Officer Pagel fired his duty weapon between 11 and 13 times. Forensic Lab personnel examined the eleven casings that the WDMC unit was able to locate at the scene, and determined that all eleven casings were consistent with being fired from Officer Pagel's firearm. If fully loaded, Officer Pagel's firearm would carry one round in the chamber and fifteen in the magazine, for a maximum of sixteen bullets. WDMC detectives noted that there were three bullets remaining in Officer's Pagel's firearm's magazine. Therefore, if his magazine was fully loaded, he fired thirteen rounds. The condition of the fragments of projectiles found at the scene, including the projectile removed from Officer Mauriello's vest, made it impossible for the Forensic Lab to make any determinations.

A. Physical Layout of the Scene

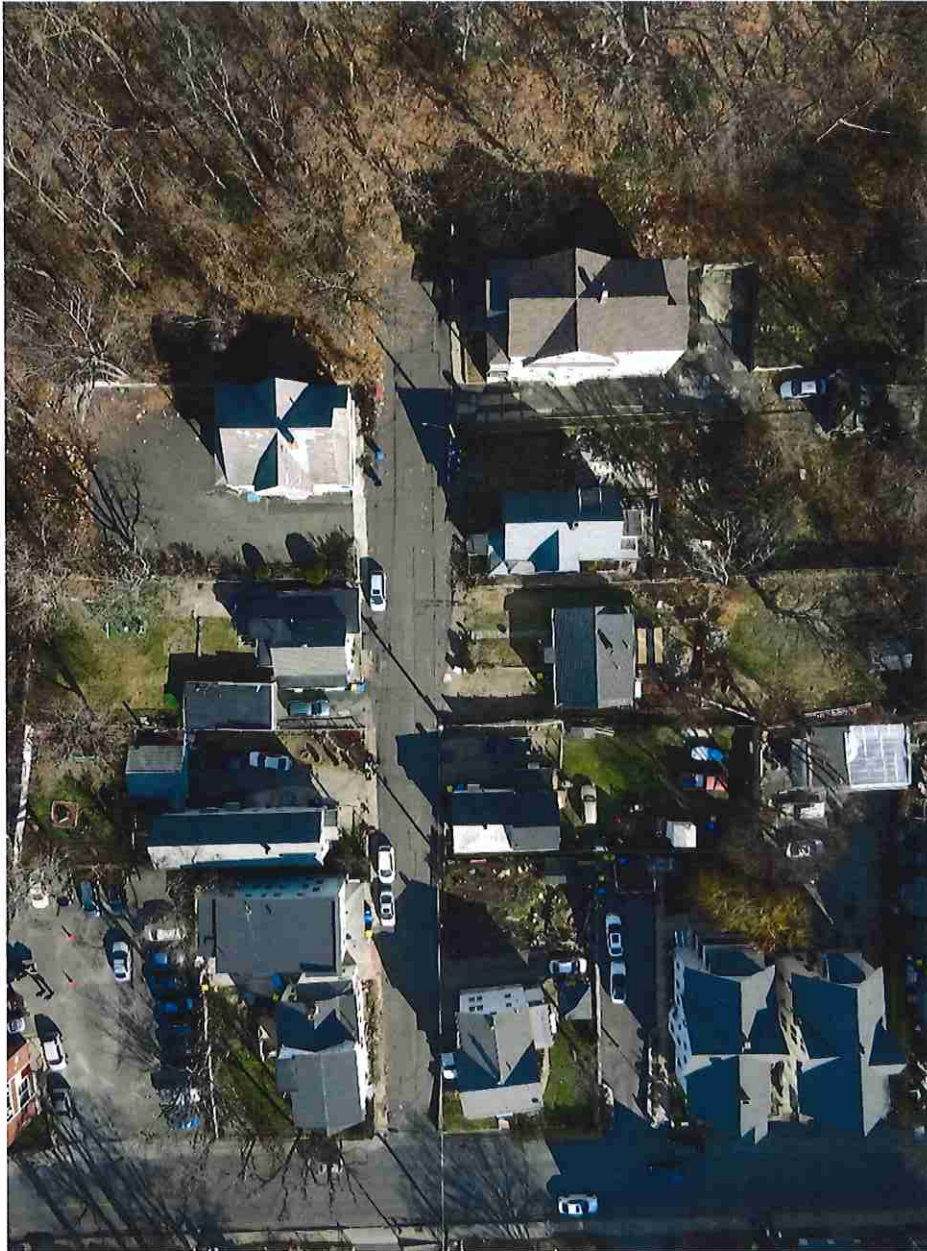


The processed scene encompassed approximately the southern third of Marley Place, Waterbury, CT. Marley Place is an unmarked residential roadway, running in a north and south direction. The southern end of Marley Place intersects with Wolcott

Street. The northern end of Marley Place is a dead end, terminating at the fence line of the adjoining wooded lot. There are five buildings on each side of Marley Place. The residence located at the southwestern end, facing onto Wolcott Street, is 47 Wolcott Street. The residence located at the southeastern end, facing onto Wolcott Street, is 53 Wolcott Street. The remaining residences on the western side are odd numbered 3 through 9, and the remaining residences on the eastern side are even numbered 2 through 12.

Wolcott Street is a mixed residential and business two-lane roadway running in an east and west direction. In the area of the incident, the two lanes of travel are divided by solid double yellow lines. There is also a parking lane, designated by a solid white line, in this area. The rear of 837 East Main Street faces Marley Place, and is adjacent to the parking lot on Wolcott Street into which the third cruiser rolled. 58 Wolcott Street is one residence in a duplex next to and to the east of the aforementioned parking lot.

Detectives with the WDMC Squad documented the scene by way of video and photographs. They also scanned the scene using a FARO Focus S150 3D laser scanner, which identified the exact locations of all items within the scene. Lastly, on the following day during daytime hours, detectives employed a drone to take additional overhead videos and photographs of the locations at which the vehicles were abandoned, as well as of Marley Place (below):



Detectives determined the length of Marley Place to be approximately 249.10 feet, as measured from its intersection with Wolcott Street to the driveway of 9 Marley Place, which is the driveway from which the suspects emerged driving the stolen vehicles. An interrupted sidewalk runs the length of the western side of Marley Place. A section of sidewalk runs along the northern portion of the eastern side of Marley Place. Although there is no designated parking lane, cars were parked on both sides of Marley Place at the time of this incident.

When detectives from the WDMC Unit arrived, only the first of the three responding Waterbury cruisers was still located on Marley Place. The second cruiser had left the scene to transport Officer Mauriello to St. Mary's Hospital. The third cruiser had rolled backward into the parking lot directly across the street. Therefore, detectives

were unable to establish the exact locations of these two vehicles during the incident. Additionally, the location of the first cruiser was not representative of where the cruiser originally had parked, but rather where it ended up after being pushed sideways by the stolen vehicle. Detectives were, however, able to view the three vehicles' respective locations before and after the various crashes on surveillance footage which recorded the incident.

Note position of undercover vehicle before crash:



Note position of undercover vehicle after crash:



Using the final resting position of the first cruiser, detectives determined that the distance from the rear bumper of the first cruiser to the southern end of Marley Place (where it intersects with Wolcott Street) was 76.47 feet. They determined that the distance from the front bumper of the first cruiser to the northern end of Marley Place, specifically to the driveway of 9 Marley Place, was 155.74 feet. And they determined that the width of Marley Place at the front of the first cruiser was 22.29 feet without the sidewalks and 25.67 feet with the sidewalks. Furthermore, they determined that the width of the openings on either side of the cruiser were 4.01 feet to the east curb and 11.47 feet to the west curb.

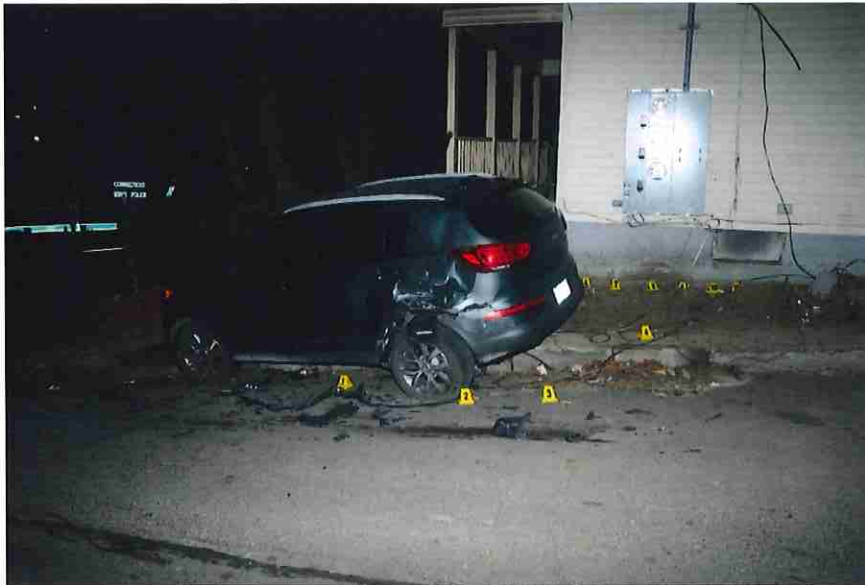
A. Evidence at the Scene

Members of the WDMC Squad processed the scene and canvassed the surrounding area. As a result, they identified and/or seized the following evidence:

A grey Kia Sportage bearing a CT registration, identified as an unmarked Waterbury Police Department undercover vehicle, was located on the west side of Marley Place, approximately 20 feet north of the intersection with Wolcott Street, facing south toward Wolcott. The Kia had significant impact damage to the left rear bumper fender and door, and the left rear tire was deflated. There was debris from the Kia, as well as the suspect vehicles, located on the roadway and the sidewalk around the Kia (below).



Eleven shell casings, seized as exhibits 1-11, were located under, to the rear of, and on the western side of the Kia. Pieces of a black Audi grill were located on the roadway behind the Kia, and seized as Exhibit 18 (below).



A white Chevy Express cargo van bearing an OH registration was parked on the west side of Marley Place, facing south toward Wolcott, behind the Kia. The van had impact damage to the left rear bumper and fender.

A black Ford Crown Victoria, identified as an unmarked Waterbury Police Department cruiser, was parked diagonally in the middle of Marley Place, with its engine running and emergency lights flashing. The cruiser had significant damage to the right front bumper as well as the right rear bumper and fender (below).



A silver Honda Civic bearing a CT registration was parked on the west side of Marley Place, north of the Ford Crown Victoria, in front of 3 Marley Place. The vehicle appeared to have been uninvolved in this incident.

A silver Ford Crown Victoria, identified as an unmarked Waterbury Police Department cruiser, was located in the rear parking area of 835/837 East Main Street, across the street from Marley Place, against a parked Toyota Camry. The Ford had damage to the left rear door and fender. It also had damage to the right rear bumper, which appeared consistent with it rolling across the street and into the parked car.

A key fob for an Audi vehicle was located on the pavement in the area where the Waterbury police officers had detained Mr. Harrison. This key fob was seized as exhibit 12.

A search of the exterior of the building at 53 Wolcott Street revealed a bullet hole containing a jacketed projectile above the side door to the residence. This bullet hole was approximately 7'1" from the ground and 1'8" from the south corner of the building. The projectile was seized as exhibit 13. A search of the area north of 53 Wolcott Street along Marley Place revealed an apparent bullet hole in a stockade fence south of 4 Marley Place. This bullet hole was approximately 7'2" from the ground and 1'5" from the west edge of the fence. Also found was a bullet hole in the siding on the south side of the building at 4 Marley Place, which suggested that a bullet traveled through the stockade fence and struck the building. This bullet hole was approximately 7'1" from the ground and 1' from the west edge of the building. The bullet appeared to have penetrated the siding and entered the residence. With the consent of the homeowner, detectives then searched the interior of the home located at 4 Marley Place and found a projectile on the floor, which was seized as Exhibit 14.

A search of the exterior of 58 Wolcott Street revealed a bullet hole in the siding on the west side of the building. This bullet hole was approximately 5'10" from the ground and 5'7" from the north corner of the building. With the consent of the homeowner, detectives then searched the interior of the home located at 58 Wolcott Place and found a bullet hole penetrating the interior wall and entering the adjacent door frame. Detectives determined that any attempt to retrieve the bullet would have caused significant damage; accordingly, the projectile was not removed.

A search of the south side of Wolcott Street revealed surveillance cameras on the rear porch of 837 East Main Street, 1st floor. With the consent of the owner, detectives downloaded copies of two surveillance videos related to the incident on a USB drive labeled Exhibit 19. The first video captured the view from the rear of 837 East Main Street (which abuts Wolcott Street) looking down Marley Place. This video is three minutes and forty seconds in length. There is a time and date stamp in the upper right corner of the video; however, detectives confirmed that the time stamp was incorrect. The second video captured the view into the parking area on Wolcott Street, next to the rear of 837 East Main Street, and also into the parking lot of the Children's Community School, at 31 Wolcott Street. This video is two minutes and thirty-four seconds in length. Similar to the previous video, there is a time and date stamp in the upper right corner of the video; however, detectives confirmed that the time stamp was incorrect on this video as well. The video is attached to this report, available for view on the Division of Criminal Justice website (<https://portal.ct.gov/DCJ>).

Following is an annotation of Exhibit 19, the surveillance video filming directly up Marley Place from south to north:

- 0:14 VW SUV (later identified as stolen) driving west on Wolcott turns right onto Marley
- 0:28 VW SUV begins to back into what appears to be 9 Marley Place
- 0:35 uninvolved civilian vehicle leaves Marley
- 0:55 SUV driving west on Wolcott stops prior to Marley and drops off Robert Harrison
- 1:10 Robert Harrison turns right onto Marley on foot
[15 vehicles pass Marley Place while traveling on Wolcott Street in first 70 seconds of video]
- 1:16 first cruiser with front and rear police lights illuminated, driven by Ofc. Sackett, turns left onto Marley
- 1:19 Harrison turns to his left, apparently aware of the cruiser; simultaneously, an unidentified person near the dead end of Marley begins walking down Marley in the direction of Wolcott
- 1:20 second cruiser with front and rear police lights illuminated, driven by Ofc. Mauriello, turns left onto Marley behind first cruiser
- 1:21 third cruiser with front and rear police lights illuminated, driven by Ofc. Pagel, turns left onto Marley behind second cruiser
- 1:22 all cruisers have parked in a row, and officers get out and move toward Harrison, who is on the west side of Marley; it is clear from the video that both Ofc. Pagel and Ofc. Sackett have "POLICE" in bold white lettering on their clothing
- 1:30 the unidentified person near the dead end of Marley Place starts running toward the officers and Harrison
- 1:37 SUV #1 (later identified as the stolen Audi) is seen pulling out of what appears to be 9 Marley Place
- 1:39 SUV #2 (later identified as the stolen VW) is seen pulling out behind SUV #1
- 1:40 the unidentified person moves out of the path of SUV #1; SUV #1 clearly accelerates and drives directly at the officers, their cruisers, and Robert Harrison, despite the fact that there is an opening to the SUV driver's right
- 1:41-43 two of the officers (Sackett and Pagel) move for cover behind their cruisers; the third officer (Mauriello) grabs Harrison and pulls him into the eastern shoulder of Marley to safety
- 1:44 SUV #1 drives directly into the eastern shoulder of Marley around the first police cruiser
- 1:46 SUV #1 hits the rear driver's side of the unmarked police surveillance vehicle, pushing the police vehicle forward and to the right; Officer Sackett runs backward to avoid being hit; Officer Pagel runs to eastern shoulder of Marley to avoid being hit; SUV #1's front passenger tire is airborne;

SUV #1 continues toward Wolcott Street and rams the driver's side of the third cruiser, moving the cruiser;
the unidentified person is now running back toward the dead end of Marley Place away from the commotion

1:48 SUV #1 turns right onto Wolcott Street heading west

1:50 Ofc. Pagel is getting into his cruiser, perhaps to pursue SUV#1

1:51 Officers Sackett and Pagel appear to notice SUV #2 accelerating at them

1:52 SUV #2 travels the same route as SUV #1, directly into the eastern shoulder of Marley, to get around the first cruiser

1:53 SUV #2 collides with the passenger side of the first cruiser, moving the entire cruiser to the west;
Officer Sackett just barely avoids being hit by the cruiser;
Officer Mauriello is moving the detained Robert Harrison out of the way to safety

1:54 SUV #2's passenger front wheel is airborne as the SUV drives over the rear end of the first cruiser

1:55 SUV #2 drives directly into a white van parked on the western shoulder of Marley and rams it forward

1:57 the rear driver's side door of SUV #2 opens as SUV #2 backs up

1:57 Ofc. Pagel hurriedly exits his cruiser, leaving the driver's door open and the car in gear

1:58 Ofc. Pagel's cruiser starts rolling backward
Ofc. Sackett has his gun drawn

1:59 SUV #2 accelerates forward again and rams the driver's rear side of second cruiser

2:00 SUV #2 is accelerating directly at Ofc. Pagel

2:01 Ofc. Pagel has his gun drawn

2:02 Ofc. Pagel takes cover on the western shoulder of Marley;
Ofc. Pagel's cruiser rolls across Wolcott Street

2:02 the back windshield of the second cruiser is shattered; Ofc. Mauriello contemporaneously moves backward on the eastern shoulder of Marley (presumably when hit)

2:03 SUV #2 hits the wall on eastern shoulder of Marley

2:04 SUV #2 turns left onto Wolcott Street heading east
[7 vehicles pass Marley Place while traveling on Wolcott Street in the 48 seconds that separates the time that cruisers arrive and the time that the two SUV's flee]

2:08 Officers Sackett and Pagel holster their firearms

2:09 Officer Mauriello rises then falls again on eastern shoulder of Marley

2:12 Officers Sackett and Pagel move to Ofc. Mauriello to assist him

2:16 Ofc. Sharoh exits the unmarked police vehicle and is noticeably limping

3:04 officers assist Ofc. Mauriello into the second cruiser

3:18 Ofc. Sackett stops traffic to allow the second cruiser to exit onto Wolcott

3:27 Ofc. Pagel leaves Marley Place in the second cruiser with Ofc. Mauriello

3:40 Ofc. Sackett walks up Marley; Ofc. Sharoh is on eastern shoulder of Marley with Robert Harrison

[12 additional vehicles pass Marley Place while traveling on Wolcott Street in the remaining 96 seconds of the video]

VIDEO ENDS

34 vehicles traveled on Wolcott Street during the 220 seconds of the video, resulting in an average of 1 vehicle passing by every 6.5 seconds

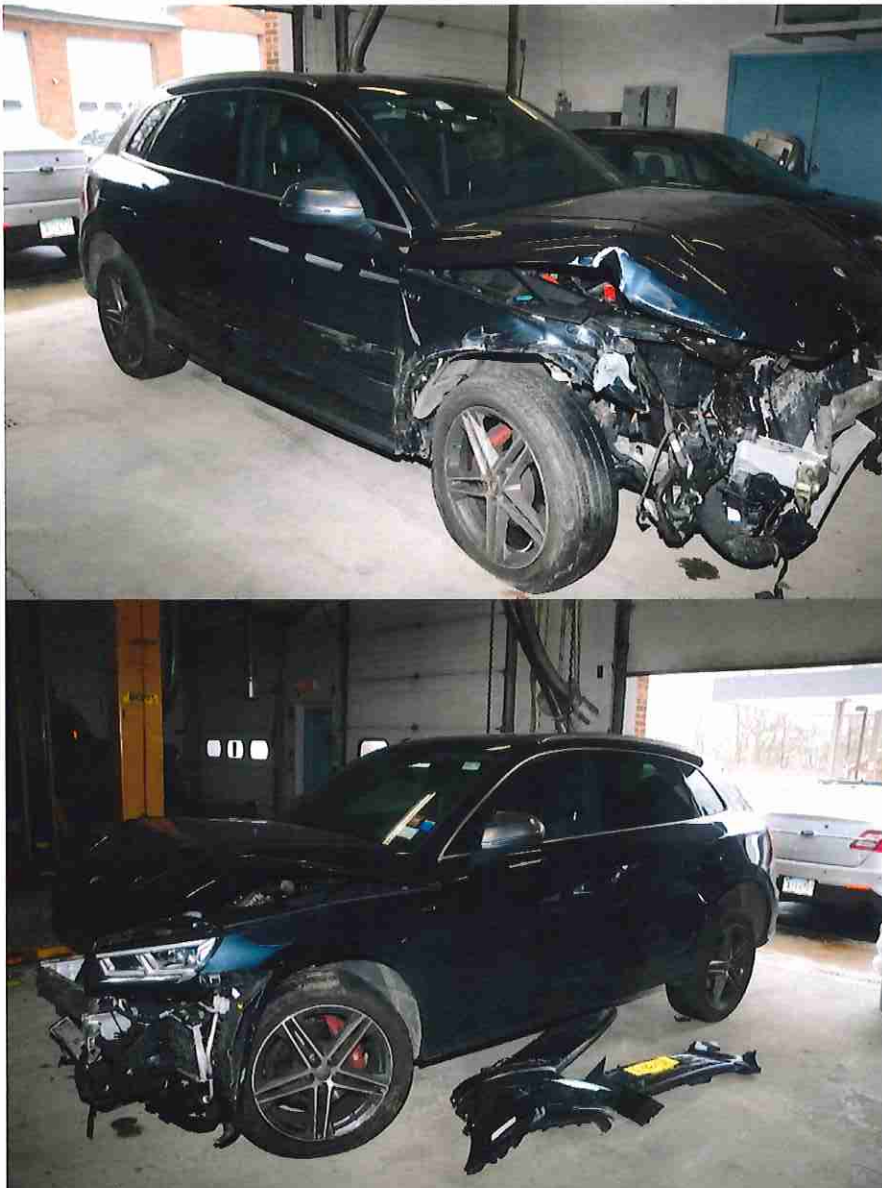
Detectives discovered that the residence at 4 Marley Place had an outdoor surveillance system that recorded video. With the consent of the owner, detectives downloaded four clips of videos related to the incident onto a USB drive, and labeled it Exhibit 20. The clips range in length from four seconds to fifty-seven seconds, and depict two views from the eastern side of Marley: 1) looking up toward the dead end, and 2) looking down toward the intersection with Wolcott. The first clip is fifty-seven seconds long and depicts a dark colored SUV backing into the driveway at 9 Marley Place; then a woman running down Marley Place toward Wolcott; then the two stolen SUV's edging out of the driveway at 9 Marley Place. The second clip is thirty-seven seconds long and depicts the view looking toward Wolcott Street. Unfortunately, the video did not record all of the events that occurred during this time period; rather, it appears to contain skips between events. This is apparent because at fifteen seconds, the street is empty; however, at sixteen seconds, the street has the three cruisers and one SUV on it. At sixteen seconds, the video depicts a Waterbury police officer (presumably Officer Sackett) with his gun drawn. At twenty-three seconds, the video depicts a dark colored SUV (presumably the second stolen vehicle) turning left onto Wolcott. Then the video stops. The third clip appears to be a blurry version of the second clip. The fourth clip is four seconds long and depicts an empty street. Inspectors from the Litchfield State's Attorney's Office visited the homeowner at 4 Marley Place to determine whether a better quality version of the second video clip was available. The homeowner explained to them that the skips appeared due to buffering that resulted from the quality of the internet service. While confirming the quality of the clips, the Inspectors found that one additional video existed which simply showed the two SUV's passing the home.

Detectives also discovered that the residence at 53 Wolcott Street had an outdoor surveillance camera that recorded video and audio. (The CSP report mistakenly identified this home as 35 Wolcott Street). With the consent of the owner, detectives downloaded a copy of a surveillance video related to the incident onto a USB drive, and labeled it Exhibit 57. The video is 41 seconds long, and depicts the view looking out the front door of the residence onto Wolcott Street, which includes the view of the intersection of Wolcott and Marley to the west of the home. The video begins with the second and third Waterbury police cruisers pulling into Marley Place. The third cruiser parks such that only the rear end of the vehicle up to the rear tire is visible in the video. Approximately eleven seconds after the video begins, the police officer exits the third cruiser. Approximately eighteen seconds later, a loud crash is heard and the rear end of the cruiser shakes from the impact. Then a black SUV appears, and makes a right hand turn west onto Wolcott. Approximately eight seconds later, the cruiser begins to roll backward and the video stops.

B. Evidence from the Vehicles Involved

1. Blue 2018 Audi SUV bearing NY registration JRD 8612

Pursuant to a search warrant, on December 21, 2020, members of the WDMC Squad processed the blue 2018 Audi SUV, bearing NY registration JRD 8612 that was recovered from Williams Street in Waterbury on/about December 8, 2020. Detectives noted that the exterior of the vehicle sustained significant damage to the front, left and right sides of the vehicle, including a flat front passenger side tire and a radial fracture to the top right side of the windshield.



Detectives dusted the exterior of the vehicle with standard fingerprint powders. Multiple latent prints were developed and seized for examination and potential comparison by the State of Connecticut Department of Emergency Service and Public Protection Division of Scientific Services Forensic Science Laboratory ("Forensic Science Lab"). Detectives swabbed the interior of the vehicle for DNA on areas most likely to produce recent DNA transfers. Additionally, detectives seized multiple personal items left in the vehicle for future testing.

2. Black 2019 Volkswagen Tiguan bearing CT registration 377-ZFR

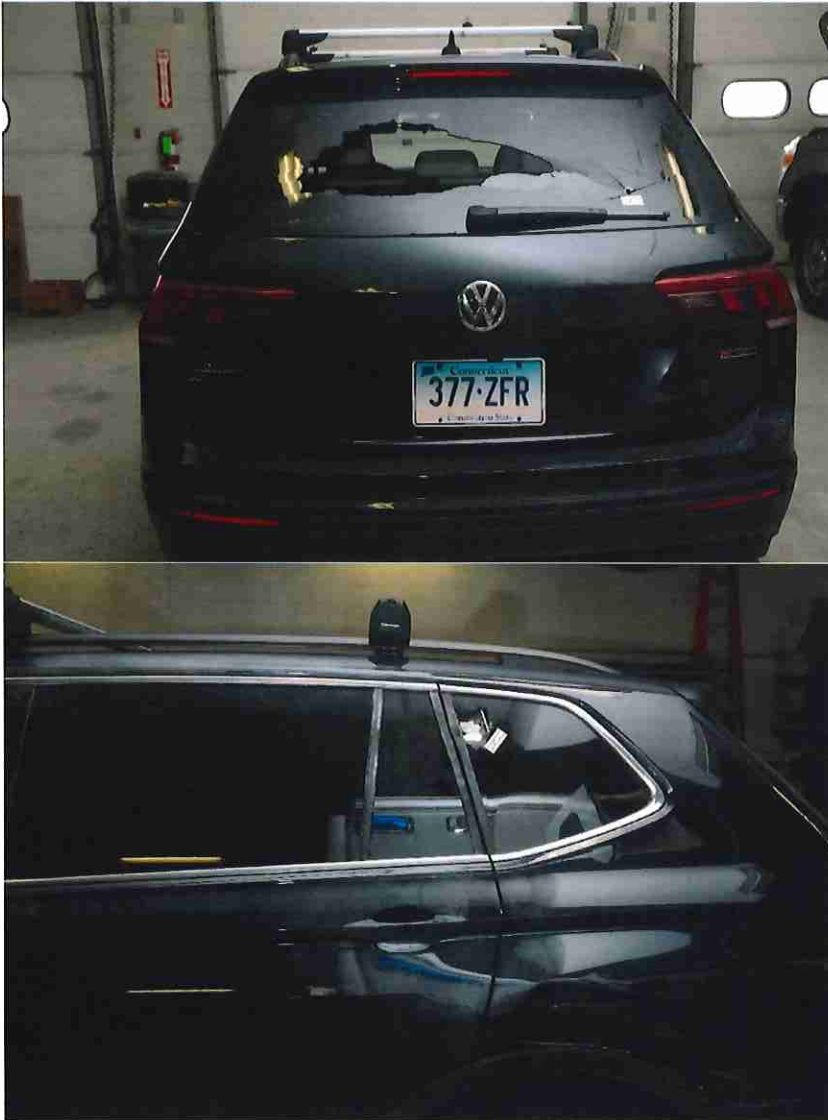
Pursuant to a search warrant, on December 18, 2020, members of the WDMC Squad processed the black 2019 Volkswagen Tiguan, bearing CT registration 377-ZFR, that was recovered from Woodward Avenue in Waterbury on/about December 8, 2020. Detectives noted that the license plate on the vehicle was not the one issued to the vehicle. Detectives noted that the exterior of the vehicle sustained significant damage to the front, left and right sides of the vehicle. Detectives dusted the exterior of the vehicle with standard fingerprint powders. Multiple latent prints were developed and seized for examination and potential comparison by the State of Connecticut Department of Emergency Service and Public Protection Division of Scientific Services Forensic Science Laboratory ("Forensic Science Lab"). Detectives swabbed the interior of the vehicle for DNA on areas most likely to produce recent DNA transfers. Additionally, detectives seized a multiple personal items left in the vehicle for future testing.





Detectives identified six defects on the exterior of the vehicle consistent with bullet strikes. Each bullet hole was identified and labeled as BHA through BHF, photographed, measured and examined with trajectory rods. Detectives determined the following: BHA entered through the rear pillar of the left rear door (projectile was not recovered); BHB entered into the right side of the rear windshield (projectile was recovered from back of rear seat and labeled Exhibit 81); BHC entered through the right rear door below the window frame (projectile was recovered from pillar and labeled Exhibit 82); BHD struck the forward and rear edges of the right rear door (projectile was not recovered); BHE struck the front right door (projectile was not recovered); and BHF struck the left side of the roof and skipped off (projectile was not recovered).





3. 2011 Ford Crown Victoria Cruiser bearing CT registration 88-WBY

On December 8, 2020, WDMC detectives retrieved a black 2011 Ford Crown Victoria Waterbury Police Department cruiser, bearing CT registration 88-WBT, from the St. Mary's Hospital Emergency Department parking lot. On December 10, 2020, WDMC detectives processed the cruiser and identified collision damage to the left rear door, fender and bumper. They also noted that the rear windshield was shattered. Detectives located a copper fragment which appeared to be a fragment of a bullet located on the right rear deck near the radial fracturing of the windshield, and labeled this Exhibit 24.

C. Other Audio/Visual Evidence

1. Police confirmed that none of the four officers involved were wearing body worn cameras.

2. Police confirmed that none of the four police department vehicles involved were equipped with dash cameras.
3. Police confirmed that there were no "911" calls.
4. Dispatch records are consistent with the reports filed and the private surveillance footage secured.

III. WITNESS STATEMENTS

A. Civilian Statements under Oath

1. Statement of Civilian Witness #1 (CW1)

On December 8, 2020 at approximately 1944 hours, Civilian Witness #1 stated that she was fearful to provide a written statement to police. However, CW1 did speak with a WDMC detective, and the detective summarized her statement as follows: "today at 2:30 PM while home and inside her residence which is located at [redacted] she heard a loud noise outside. [CW1] described the sound as "The noise a gun would make." She only described the noise as occurring once per her recollection. She walked outside to see what happened. As she walked onto her driveway which is located on [redacted] she saw a male with long dark hair who she believed to be Hispanic on top of a police officer. She was unable to provide a further description of the Hispanic male. She stated that she was able to identify the police officer as his clothing was "Marked Police."

2. Statement of Civilian Witness #1 (CW2)

On 12/8/20 at approximately 1854 hours, Civilian Witness #2 provided the following sworn written statement to police:

On Tuesday, December 8, 2020, at approximately 3:00 pm, I was parked near the intersection of Wolcott St. and Marley St. in Waterbury. I was a back seat passenger in my friend's car. Her name is [redacted], who also resides at [redacted]. We were parked facing downtown, we had just come down Wolcott St. from the car wash. She had stopped to run into the bodega across the street. At this time a black or dark blue SUV came flying down Wolcott St. from behind us. I think it was going at least 80 miles per hour as it passed us, heading towards downtown. Not even minute later, I heard what sounded like 4 gunshots. It was about 3 minutes later that a second SUV came flying down Wolcott St., passed us and headed towards downtown as well. This SUV was either a tan or light gray in color. Both vehicles went by us so fast you couldn't identify what make and model they were. About 5 minutes later, a bunch of Waterbury Police cars arrived in the area. I had already gotten out of the car and was hanging around because I figured the cops would want to talk to me, to determine if I saw anything. Also in the car with me was my brother, [name redacted].

My friend [name redacted] said that she had seen 3 gray Waterbury Police cars parked in the Sacred Heart Church or school parking lot, just before this all happened.

I remember right after the first SUV went flying by, I looked out of the back window of the car. At that time I saw a guy in a red bubble jacket come running out of a walkway that runs between the Sacred Heart Church and Sacred Heart School on Wolcott St. He stopped on the sidewalk and appeared to be looking back at the yellow house that's located on Wolcott St., right next to the school. He was a black male, wearing a black beanie with dreads sticking out. You could see that his dreads were black with brown tips. He was also wearing a black face mask. He shortly thereafter walked down Wolcott St. to East Main St. heading downtown.

[Brother's name redacted] and I were still hanging out in the area with [friend's name redacted], she stayed in the car. About 5 minutes later, and after the second SUV had passed us, the black male in the red bubble jacket, came walking back up East Main St., then proceeded up Wolcott St. towards the yellow house again. [Brother's name redacted] and I were now standing in front of Sacred Heart Church and this guy walked passed us. By this time there were a bunch of Waterbury Police on scene and they had the road blocked off. [Brother's name redacted] and I decided to follow the guy in the red bubble jacket up Wolcott St. to see if we could get closer to where the police were investigating. We were about 6 feet behind this guy, and while he was walking up Wolcott St. towards the police, he was recording the police on his cellular phone. I heard him say, "We got him, we got him, we got him", I'm not sure what he was referring to, if he was just joking around, or trying to act like a tough guy and pretend that he was involved in the shooting or something. I know people do this a lot on social media, pretend to be involved in something that they weren't.

After that, one of the Waterbury Police Officers told us to wait around, that the Detectives were coming and were going to want to speak with us. We waited for a few hours and then gave a Waterbury Police Officer our contact information and we went home. Sometime thereafter, Detective Covello came to my residence with Detective Fitzsimons to speak with me. I agreed to provide this statement to Detective Covello as I think it's important to get dangerous people off the streets.

3. Statement of Civilian Witness #3 (CW3)

On December 8, 2020 at approximately 2014 hours, CW3 provided the following sworn written statement to police:

I [CW3's name redacted] of [address redacted], was home today Tuesday 12/08/2020 on the first floor of my home sitting on the couch in my living room. My couch is on the south west wall of the living room and my back was facing the south west wall. While sitting on the couch above my right shoulder there is a windows on the south west wall. The window faces down Marley Pl

in the direction of Wolcott St. Also in my living room was my 12 month old son. He was on the other side of the room sleeping in his crib which is on the living room floor.

It was close to 3:00 PM and I heard outside the screeching of a tire. I turned and knelt on the sofa to look out the Window behind me. When I looked outside I saw what looked to me like an undercover police car. The police car was not marked but I know from seeing it around town that it is a police car. The police car was coming up Marley PI from Wolcott St in the direction of my house.

Next I saw a black SUV moving down Marley PI in the direction of Wolcott St heading right towards the undercover police car. The black SUV swerved to the left of the police car and drove right around it. I think the car hit the fence behind my house. I then saw the black SUV swerve around what I think was another police car. This black SUV swerved around that police car and took a left on Wolcott St.

I then saw a second black SUV move down Marley PI heading towards Wolcott St. This black SUV tried to pass the undercover police car on the left and struck the fence behind my house. It appeared right after the second black SUV hit the fence it almost rolled over. The second black SUV then hit a white van on the opposite side of Marley PI across from the fence it had just struck.

The person driving the black SUV then tried to reverse. I saw the white reverse lights illuminate on the second black SUV and it began to move backwards. While the second SUV was reversing the driver opened the driver side door and I thought the driver was going to run. Suddenly a male police officer wearing khaki pants and a bullet proof vest approached the driver side of the second black SUV. The police officer had his gun drawn and I heard him say "Don't do it stop." At that moment the second black SUV turned left and drove past the police officer. As the second black SUV began to drive down Marley PI towards Wolcott St. I saw that the second black SUV was heading directly at another male police officer who also had a gun in his hand. Then I heard what I think was six gun shots. As I heard the gunfire I heard a loud bang to my house. The living room filled with smoke. I ducked to the floor and crawled over to my baby who was in his crib. I called to my father [name redacted]. He had heard the noise but didn't see what had happened.

After things settled I looked back outside and saw the police had a person lying face down on the ground. I didn't notice what the person really looked like or what they were wearing. I then walked away from the window and stopped watching.

I then called my husband [name redacted] who was at work and told him what had happened outside. I explained to him that our home had been damaged by the gunfire but everyone was ok. I saw at least one bullet had come into the living room and send debris from the wall into the room.

Later I was again explaining to my husband what I had saw. I told him that if I was the police officer I would have shot at the car as well. The car had turned right at the police officer and drove right at him. At no time did I observe that police officer place himself in the path of the second black SUV. The car turned and drove directly at the police officer.

Later on in the evening the police came to my door and I agreed to speak with them and provide a description of what I had witnessed.

4. Statement of Ronald Harrison

On December 8, 2020, Waterbury Police Department Detective Max Torres interviewed Ronald Harrison regarding the crimes for which he had been taken into custody. The interview was audio and videotaped. In the course of the interview, Mr. Harrison discussed the circumstances leading up to the officer-involved shooting. WDMC Detective Jared Barbero reviewed Harrison's taped statement and summarized the relevant portion as follows:

"Detective Torres asked Harrison about the incident that occurred on Marley Place. Harrison identified that two SUV's barreled through the Waterbury Police Department cars. Harrison stated they barreled through and drove at the officers, and one officer pulled his weapon to fire at the SUV's. Harrison stated that he thought that someone in one of the SUV's fired back, but was not sure. Harrison thought that the SUV's were going 40 or 50 mph and was afraid he would have been run over."

B. Statements of Law Enforcement under Oath

1. Statement of WPD Officer Charles Mauriello

Officer Charles Mauriello provided the following sworn statement on/about March 10, 2021:

I, Charles Mauriello, being duly sworn hereby depose and say:

1. I am over the age of eighteen (18) years and understand the obligations of an oath.
2. I am a Police Officer for the City of Waterbury.
3. The following is my best recollection of the event that occurred on 12/8/2020:

I, along with other members of the Auto Theft Task Force (ATTF), Officer Marc Sharoh, Officer R. Sacket, and Street Crimes member Officer Pagel were tasked with locating Robert Harrison (DOB 02/02/2001) who was wanted by New Britain Police Department for a recent Kidnapping involving a firearm. Mr. Harrison is well known to the Waterbury Police Department's ATTF from multiple investigations and arrests for stolen motor vehicles. It should also be noted that through the monitoring of social media, Mr. Harrison has been seen brandishing firearms.

Officer R. Sacket, Officer Pagel and I went out on the road in unmarked police cruiser equipped with working overhead lights and sirens while Officer

Marc Sharoh was in an undercover police vehicle to do surveillance. Officer R. Sacket Officer Pagel and I were dressed in tactical police vests with our badges clearly displayed and visible on our chests.

At approximately 1300hrs, Officer R. Sacket and I responded to the rear lot of the residence of 9 Marley Place as it is known to the ATTF that Mr. Harrison frequents that residence and numerous stolen motor vehicles have been recovered from there in the past. It should be noted that Marley Place is a short, dead end street with very little vehicular or pedestrian traffic. As we pulled into the rear lot of 9 Marley Place, we observed a dark colored Audi SQ5 bearing NY Reg. JRD-8612, parked and unoccupied there. An NCIC check performed by dispatch provided that the vehicle was listed as a File 01 (Stolen) out of Rye, NY and was later confirmed stolen.

Given the above, Officer Marc Sharoh, who was operating the undercover police vehicle, set up near the bottom of Marley Place where he could conduct surveillance on the aforementioned residence in the event that Mr. Harrison was observed walking toward the home or the Audi SQ5. Officer R. Sacket, Officer Pagel and I were positioned our cruisers in a nearby location as a "take down" team to take Mr. Harrison into custody. At approximately 1415hrs or so, Mr. Harrison still had not been observed so we decided to do a recovery of the aforementioned vehicle and canvass other parts of the city for Mr. Harrison. Officer R. Sacket requested that dispatch send a patrol unit to recover the vehicle. This is done to prevent the possibility of our undercover vehicles being identified as well as the possibility of suspects gaining knowledge that the ATTF is aware of the locations in which stolen motor vehicles are recovered. Dispatch could then be heard asking for a patrol unit to respond to our location to do the recovery. During approximately the same time, Officer Marc Sharoh operating the undercover vehicle, radioed into the take down team that he just observed a black SUV pull into the rear lot of 9 Marley Place and shortly after that he observed Mr. Harrison walking up the street.

At this time, Officer Sacket, Officer Pagel and I, activated our emergency lights and siren and almost immediately pulled onto Marley Place as we were just a short distance away. Officer R, Sacket was first onto Marley Place, followed by me and then Officer Pagel. Once on Marley Place, I immediately observed Mr. Harrison walking on the sidewalk up the street towards 9 Marley Place and ultimately towards where the stolen Audi SQ5 was parked. I was first to get out of my police cruiser and make contact with Mr. Harrison, where I yelled multiple verbal commands ordering him to get on the ground where he ultimately complied. However, while on the ground and issuing more verbal commands to give me his hands, he refused. Mr. Harrison began pointing up the street at 9 Marley Place while yelling, to an unknown party "What the fuck are they doing, tell them to stay there, don't come down here". Knowing that Mr. Harrison was seen brandishing firearms in the past and fearing that he may have a firearm, I grabbed one of his hands while Officer R, Sacket grabbed the other. At this time, I was able to place Mr. Harrison into handcuffs.

Almost at the exact same time that Mr. Harrison was safely placed in handcuffs, two (2) vehicles, one being the Audi SQ5 and the other being a black

Volkswagen SUV came towards all three (3) of our police cruisers at a high rate of speed and appeared to have no intention on stopping. It should be noted that our police cruisers had their emergency lights activated and were parked in the middle of Marley Place blocking the roadway. Officer R. Sacket and Officer Pagel attempted to stop the vehicles while I detained Mr. Harrison. The first vehicle, (Audi SQ5) accelerated directly towards me and Mr. Harrison, where it ultimately struck Officer R. Sacket's cruiser. Fearing that the vehicle was going to strike us, I grabbed Mr. Harrison by the back of his sweatshirt to move him out of the way of the oncoming vehicle. I then observed the vehicle to take a sharp right to go in between Officer R. Sacket's cruiser and my cruiser. In the process, I observed the Audi strike Officer Sacket's cruiser, my cruiser, Officer Marc Sharoh's undercover vehicle, and Officer Pagel's cruiser, before taking a right onto E. Main Street. Seconds later, I observed the black Volkswagen SUV coming down Marley Place traveling in the same path as the Audi; directly towards myself and Mr. Harrison. Therefore, I again grabbed Mr. Harrison by the back of his sweatshirt to move ourselves out of the path of the vehicle. Shortly after doing this and the Volkswagen SUV passing myself and Mr. Harrison, I heard multiple gun shots go off but did not see who fired any shots. I remember feeling a pain in my chest and falling to the ground. I then remember getting back up and both Officer R. Sacket and Officer Pagel came over to me. I told them that I was "hit" and then remember seeing blood.

Officer R. Sacket and Officer Pagel helped me into one of the police cruisers and Officer Pagel drove me to the hospital where I received medical treatment and was released.

2. Statement of WPD Officer Garrett P. Pagel

Officer Garrett Pagel provided the following sworn statement on/about January 5, 2021:

On December 8th, 2020, I Officer Garrett Pagel (#839) of the Waterbury Police Department, arrived at work at approximately 1300 hours for my shift. I am currently assigned to the Waterbury Police Department's Vice and Intelligence (Street Crimes Unit) (V&I, SCU). Upon my arrival to work, I was informed by my division commander to assist members of the Auto Theft Task Force (ATTF), with an investigation. I was told to meet with ATTF Officers who were staged as a takedown team near Marley Place, Waterbury, CT. I was dressed in plain clothes, while wearing a tactical vest with "POLICE" clearly displayed on the front and rear of vest. I also was wearing my badge and department issued pistol on my belt, both of which were also clearly displayed. I took a gray unmarked Crown Victoria and met with Officers C. Mauriello and R. Sackett in a parking lot on Wolcott St. Officers Mauriello and Sackett were driving black colored unmarked Crown Victorias. These Officers informed me that Officer M. Sharoh of the ATTF unit was in plain clothes and was operating an undercover vehicle on Marley Place, conducting surveillance. I was briefed by ATTF Officers R. Sackett and C. Mauriello, about information that a suspect (Robert Harrison) they were surveilling was presumed to be in the area of Marley place and that he was possibly operating a Black Audi SUV. ATTF members advised me of the target person (Robert

Harrison), whom I know from prior investigations, is a suspect in multiple shootings in Waterbury, a known car thief, and was wanted for a kidnapping with a firearm incident that occurred in New Britain, CT the night before.

Officer Sharoh radioed ATTF members and I that he observed Harrison walking up Marley Place and gave the order to come detain the suspect before he entered a vehicle. Officer Sackett took the lead, followed by Officer Mauriello, with me behind him where when the drove on Wolcott St and turned onto Marley Place; it should be noted that my emergency lights were activated. Officer Sharoh guided us in through radio communication, as he was still actively conducting surveillance.

I was the last car to arrive on scene, where I observed Harrison on the right-hand side of the sidewalk. Our three Police vehicles were blocking most of the very narrow road, which was also occupied by multiple parked vehicles as well as Officer Sharoh's undercover vehicle. I heard ATTF officers announce their presence as Police Officers, after which I observed Harrison raise his hands and slowly start laying on the ground. Officers Mauriello and Sackett placed the suspect in handcuffs without incident.

Moments after I heard, via radio, Officer Sharoh say that the target vehicle was on the move driving towards our vehicles. I then heard the engine to this SUV rev up very loud. The SUV then aggressively swerved around and collided with the passenger side of Officer Sackett's police vehicle. The SUV successfully pushed through the first police vehicle and accelerated right at me. At this point I was standing in the road and was forced to quickly jump out of the way to avoid being struck by this vehicle. As soon as I jumped out of the way of this SUV, I observed it collide with the driver's side doors of Officer Sharoh's undercover vehicle followed by the tail drivers' side of my unoccupied police cruiser. This collision was extremely aggressive and seemed intentional. I further observed this Audi SUV make a right hand turn onto Wolcott St and continued to flee the scene. I then ran to my cruiser to attempt to follow the vehicle. As I was entering my police vehicle, I observed Officer Sharoh to appear to be slumped over and what I thought was unconscious. When I entered my vehicle, I heard another engine revving, followed by another loud collision sound. I looked up and saw Officer Sackett wedged in between a white van and another black SUV. I then heard muffled screaming from Officer Sackett's direction, and observed this black SUV still revving its engine trying to break free. From my seated angle and looking uphill, I was under the impression that this second black SUV had hit Officer Sackett and pinned him into this white van.

I then observed the rear drivers side passenger door of this black SUV begin to open. I made the decision to exit my vehicle, to assist these injured officers. I continued to hear this black SUV revving its engine as well as muffled screams. I then attempted to place my vehicle in park and exited it. As I was running uphill towards Officer Sackett, I heard Officer Mauriello scream "it's in reverse". I turned my head and observed my police vehicle moving slowly in reverse towards Wolcott St. As I turned my head back around, I observed this second black SUV driving right in my direction in a very aggressive manner.

My immediate thought was this car is going to hit me or Sharoh's car and both of our lives are at risk. I then made the decision to discharge my department issued S&W MP .40, as I felt my life as well as Officer Sharoh's were in immediate deadly

physical danger. My intention was to stop the immediate threat I was faced with and to prevent death or serious injury to myself and/or Officer Sharoh. I fired multiple rounds with the intended target of the driver's side area of the windshield of the second black SUV. As I was firing my weapon, the vehicle swerved erratically in the open area of the road and continued to turn left on to Wolcott St and fled the scene. Moments after the vehicle fled, I heard Officer Mauriello say that he thinks he was shot. I quickly checked under his bullet proof vest and observed a small amount of blood. I then radioed for backup and stated we had an Officer down. While I was on the radio, I observed Officer Sharoh exit his undercover vehicle and begin to limp around, obviously injured. I then returned to Officer Mauriello and decided that rather than wait for an ambulance, I would just bring him to the hospital myself. I had quickly asked Officer Sackett to block traffic on Wolcott St, so that I could exit the scene quickly. I loaded Officer Mauriello in the front passenger seat of the closest cruiser to our location and began to drive with emergency lights and sirens to St. Mary's Hospital. While driving, I instructed Officer Mauriello to apply pressure to his wound, but he was visibly struggling and shaking. I then reached over and dug my hand under his vest to find his wound and applied pressure until we arrived at the hospital minutes later. Once we arrived at St Mary's Hospital ER lot, I escorted Officer Mauriello inside and assisted ER staff in removing his vest. ER staff then continued care. I then remained outside of the room until I was met with other members of my department.

3. Statement of WPD Officer Ronald Sackett

Officer Ronald Sackett provided the following sworn statement on/about January 8, 2021:

On 12/18/2020, I Officer Sackett, Officer C. Mauriello and Officer Sharoh, all members of the Auto Theft Task Force, were tasked with attempting to locate Robert Harrison who was wanted by New Britain PD for a domestic Kidnapping involving a firearm from the previous night. Harrison is very well known to ATTF from numerous investigations and arrests for stolen motor vehicles. It should be noted that this officer on the previous day while conducting surveillance of social media accounts, observed Harrison on his Facebook Live brandishing a firearm and even removing the magazine to show the weapon had bullets and was real to viewers (See CN 20-136860).

Officer Mauriello and I went out in unmarked police cruisers equipped with working lights and audible siren, as Officer Sharoh set out in a undercover police vehicle. Officer Mauriello and I were wearing tactical vests equipped with "Police" Insignia clearly visible. We responded around 1300 hours to the residence of 9 Marley Place in the rear lot as this residence is known to ATTF members where Harrison has a female acquaintance and numerous stolen vehicles have been recovered here. Upon entering the lot we observed a dark colored Audi SUV bearing NY marker JRD-8612, which an NCIC check showed as a stolen motor vehicle out of Rye NY. Marley Place is a dead end road with minimal vehicular or pedestrian traffic. We then quickly responded to a nearby location and Officer Sharoh set up at the bottom of Marley Place conducting surveillance on the home in hopes Harrison was seen walking towards the stolen vehicle. Officer Pagel a member of Street Crimes, also wearing a tactical vest equipped

with clearly visible "Police" Insignia, assisted us in an unmarked police vehicle equipped with police lights and audible siren.

At around 1415 hours Harrison had not yet been spotted so we decided to just recover the vehicle and continue surveilling the city. I contacted dispatch and asked that a marked patrol unit respond to the residence and tow the vehicle. ATTF members sometimes call for marked police units to come and recover stolen motor vehicles that were under surveillance. This is done so that our surveillance vehicles are not identified or the suspects are unaware ATTF members know of these locations where stolen vehicles are hidden. Dispatch immediately sent a patrol unit and while waiting Officer Sharoh radioed that a black Volkswagon [sic] SUV had entered the lot and to come now to check out the vehicle. We activated our Emergency Lights and siren and were quickly onto the street as we were parked in a nearby adjacent lot. Once on the street Officer Sharoh radioed again that Harrison was now walking on the side of Marley Place and we quickly stopped in the middle of the roadway on Marley Place to detain Harrison.

It should be noted all 3 of our police vehicles were parked in the roadway blocking the entire street as Marley Place is not very wide. We then exited our police vehicles and gave verbal commands for Harrison put his hands in the air and to lay on the ground as Harrison is known to carry weapons. Harrison began ignoring our commands and appeared to be yelling up the street "Yo stay there just stay there". We then put Harrison in cuffs and he continued to pull away and yell up the street, "Yo stay there just go". We then laid Harrison on the ground to pat him down for weapons as he continued yelling. I then looked up the road and now saw the stolen Audi SUV was exiting the lot followed by the Volkswagon SUV who Harrison appeared to be yelling to.

I yelled to Officer Mauriello and Pagel that the Audi was out and I tried to run back to my cruiser, as I thought once the occupants of the vehicles saw us in the roadway they would exit and flee on foot. The Audi suddenly accelerated directly at my police vehicle striking the front end and went onto the sidewalk striking a fence. The Audi then turned colliding with the rear end of my vehicle and the front end of Officer Mauriello's vehicle. The vehicle did not slow momentum and continued on, violently striking Officer Sharoh who was in the surveillance vehicle and nearly striking Officer Pagel. Officer Pagel was able to jump out of the way, but the Audi continued on striking the rear of Officer Pagel's vehicle, then making a right on Wolcott Street westbound. The Volkswagon then attempted to follow the same path as the Audi striking the front of my vehicle and fence, however, the Volkswagon lost control and struck an unoccupied van and came to a stop. I then drew my service weapon and began giving verbal commands for the occupants to shut the vehicle off and exit. My commands were ignored and the Volkswagon continued to rev the engine as I attempted to open the passenger side door, but it was locked. The vehicle was then able to reverse nearly striking me and continue down Marley Place directly at Officer Pagel who was running up the road to assist me.

The Vehicle nearly struck officer Pagel who was able to fire several rounds from his service weapon at the Volkswagon causing them to miss him and strike the rear end of Officer Mauriello's vehicle. The Volkswagon did not slow down as it then made a right turn onto Wolcott Street and fled eastbound. I then heard Officer Mauriello yell "I'm hit I'm hit." I had him lie on the ground and saw a small hole in the upper left chest area of Officer Mauriello's vest. Upon moving his vest I saw blood coming from his chest area

and then quickly looked for a medical bag inside the cruiser, but could not locate one. Officer Pagel yelled he would drive Officer Mauriello to the hospital. Fearing his injury was life threatening and we were only a short distance away I assisted Officer Mauriello into the police vehicle and stopped traffic so Officer Pagel could get Officer Mauriello medical treatment as quick as possible. I then radioed that Officer Mauriello was en route to St Mary's and also put out a description of the suspect vehicles.

4. Statement of WPD Officer Marc Sharoh

Officer Marc Sharoh provided the following sworn statement on/about January 6, 2021:

On 12/8/20 I was conducting surveillance on Marley PI. The Auto Theft Task Force (ATTF) was looking for Robert Harrison who was wanted for a domestic kidnapping involving a firearm the previous night in New Britain. Harrison is well known to the ATTF from previous investigations and arrests for stolen motor vehicles. Officer's Sackett and Mauriello had checked a residence at the top of Marley PI that from past investigations Harrison was known to stay at and park stolen motor vehicles. Behind the house Sackett and Mauriello located a black Audi SUV with New York plates and after a NCIC check found it was stolen out of Rye, NY. I was in an undercover vehicle (Kia SUV) that is not equipped with light and sirens. My objective was to wait and see if Harrison would show up on the street, in a car or on foot. If he were to show up I would radio to the take down cars to come take him into custody, Officer's Sackett, Mauriello and Pagel who is assigned to the Street Crimes Unit were set up in take down cars equipped with light and sirens a short distance away.

At approximately 14:15 a black Volkswagen SUV turned right onto Marley PI and headed up the street. I was parked at the end of Marley PI facing Wolcott St. In my driver side mirror I observed the Volkswagen SUV back into the driveway where the Audi was parked. I radioed to the guys that another SUV had just arrived. As I finished my transmission Harrison walked around the corner onto Marley PI. I radioed to the guys to "come now"! Three unmarked Police vehicles came and took Harrison into custody. Soon after Harrison was in custody in my driver side mirror I observed both the Audi and the Volkswagen pull onto Marley PI and stop. Officer's Sackett and Pagel were in the roadway while Officer Mauriello and Harrison who was in handcuffs were just off the road on the sidewalk. The three Police cruisers were all still in the roadway, and were blocking the road. All of a sudden the Audi began to come forward and somehow was able to go around one of the cruisers. The Audi then struck one of the cruisers and then came straight at me hitting my vehicle from behind and pushing it forward and to the right. I hit my head on either the rear view mirror or roof of the car. My left leg hit the steering wheel and I found myself in the passenger seat. Next I heard gunshots and ducked my head because I did not know who was shooting at whom or where it was coming from. After the gunshots stopped I exited the vehicle and learned Officer Mauriello was shot and was taken to the hospital by Officer Pagel. Shortly after more Police Officers arrived and I was taken to the hospital to be evaluated. I suffered a bruise to my left leg, head/neck pain, which I was later diagnosed with a concussion, and right shoulder pain.

IV. FORENSIC ANALYSIS OF EVIDENCE

On September 1, 2021, the Forensic Lab emailed a report from its firearms unit to the Litchfield State's Attorney's Office. The report was completed on August 24, 2021. The Forensic lab determined that the eleven casings seized as CSP exhibits one through eleven were fired from CSP exhibit forty-seven, a Smith & Wesson, model M&P40, .40 S&W caliber semiautomatic pistol with serial #HSZ5427. Exhibit forty-seven was seized from Waterbury Officer Pagel.

V. PERSONNEL FILE

A review of Officer Pagel's personnel file showed no adverse findings.

VI. CONCLUSION

A. Legal Analysis

Connecticut law specifically delineates the circumstances when an officer may justifiably use deadly force in the course of their duties. The relevant statute in effect at the time of this incident provides as follows:

(a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b) and (c) of this section unless such warrant is invalid and is known by such officer to be invalid.

(b) Except as provided in subsection (a) of this section, a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) A peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction or the Board of Pardons and

Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use or imminent use of deadly physical force; or (2) (A) effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury, or (B) prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible under this subdivision, he or she has given warning of his or her intent to use deadly physical force.

Conn. Gen. Stat. § 53a-22.

Courts have further clarified when the use of deadly force by an officer is permissible under C.G.S. §53a-22. In *State v. Smith*, 73 Conn. App. 173, cert. denied 262 Conn. 923 (2002), the Court concluded that "... the test for evaluating self-defense claims pursuant to § 53a-22 is a subjective-objective test. The jury is required, first, to determine whether the defendant [officer] honestly believed that the use of deadly force was necessary in the circumstances. If, however, the jury determines that the defendant [officer] in fact had believed that the use of deadly force was necessary, the jury must make a further determination as to whether that belief was reasonable, from the perspective of a reasonable police officer in the defendant [officer]'s circumstances. See *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989) (evaluating reasonableness of police officer's belief that deadly force justified in context of fourth amendment excessive use of force claims, stating that "[t]he [objective] reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight"); *Weyel v. Catania*, 52 Conn. App. 292, 296, 728 A.2d 512 (all claims that law enforcement officers have used excessive force in the course of an arrest, whether deadly force or not, should be analyzed under the reasonableness standard of the fourth amendment), cert. denied, 248 Conn. 922, 733 A.2d 846 (1999)." *State v. Smith*, 73 Conn. App. at 198-99; see also *State v. Prioleau*, 235 Conn. 274 (1995).

In *State v. Davis*, 261 Conn. 553 (2002), the Court stated: "We are mindful of the difficult challenges faced by our police officers in making judgment calls as to what constitutes a reasonable and necessary amount of physical force under what may be extremely chaotic, dangerous and even life threatening conditions on the street. We emphasize that the use of physical force against a person by a police officer during the course of an arrest, whether the arrest itself is legal or illegal, may well be within the scope of the officer's duty and entirely justified; see *General Statutes § 53a-22 (b)*; and that resistance to such reasonable and necessary force is not permissible. Under our system, however, whether a police officer reasonably believed that the use of physical force was necessary to effect one of the purposes enumerated in § 53a-22 (b) and, therefore, was within the performance of his duties, is ultimately a factual question to be determined by the jury, taking into account all of the circumstances of the case, including the police officer's need to make rapid decisions, to maintain his authority and control, and to preserve both his own and the general public's safety." *Davis*, 261 Conn. at 572.

B. Factual Analysis

The conclusion reached in this report is based upon an application of the relevant law to the facts determined by the investigation. In any investigation, there will be factual discrepancies. Witness descriptions of events sometimes differ, in part due to their positions and vantage points, and in part due to the speed with which events occur in a chaotic and rapidly developing situation. Fortunately, surveillance video captured the events that transpired during this particular incident, providing an indisputable record. A review of the evidence reveals the following:

On December 8, 2020, four Waterbury police officers were investigating the whereabouts of Robert Harrison, who was wanted in connection with an armed kidnapping in New Britain, and known to carry a firearm. Their investigation brought them to the vicinity of Mr. Harrison's girlfriend's home on Marley Place in Waterbury. Marley Place is a narrow dead-end road. While surveilling the area, the officers located a stolen Audi parked at 9 Marley Place, close to the street's dead end. Based upon these developments, one of the officers- Officer Sharoh - took a post watching for Robert Harrison in an undercover vehicle on Marley Place, near its intersection with Wolcott Street. When Officer Sharoh saw Robert Harrison walk onto Marley Place from Wolcott Street, he radioed the other three officers, who were positioned in a parking lot on Wolcott Street. These three officers – Officers Pagel, Sackett and Mauriello – each responded to Marley Place in Waterbury police cruisers with their emergency lights deployed. The officers parked on Marley Place behind each other, in a manner which would have effectively blocked law abiding vehicles from entering or leaving the dead-end street. The officers, who were wearing clothing that was clearly marked "POLICE," took Robert Harrison into custody. Contemporaneously, two vehicles exited 9 Marley Place and sped toward Wolcott Street. The first vehicle, which was the Audi SUV that the officers had identified as stolen, drove at a high rate of speed directly at the officers, their vehicles and Harrison. Two of the officers (Sackett and Pagel) moved for cover behind their cruisers; the third officer (Mauriello) grabbed Harrison and pulled him into the eastern shoulder of Marley to safety. The Audi hit the rear driver's side of the unmarked police surveillance vehicle, pushing the police vehicle forward and to the right, and seriously injuring Officer Sharoh, who was in the vehicle. Officer Sackett ran backward to avoid being hit; Officer Pagel ran to the eastern shoulder of Marley Place to avoid being hit. The Audi continued toward Wolcott Street, ramming the driver's side of the third cruiser with such force that the Audi's front tire lifted in the air as it moved the cruiser. The Audi then turned west onto Wolcott Street and fled, crashing into an occupied vehicle and a parked vehicle that veered onto a curb causing pedestrians to run for safety.

Officer Pagel got into his cruiser to follow the Audi. At that time, he saw Officer Sharoh slumped over, and presumed him unconscious. Before Officer Pagel was able to close the cruiser door, the second vehicle raced toward the officers and Harrison. This vehicle, which was later identified as a stolen Volkswagen SUV, rammed the passenger side of the first cruiser, moving the entire cruiser to the west where Officer Sackett was standing. Officer Sackett barely avoided injury; however, from Officer Pagel's perspective, it appeared that Officer Sackett had been hit by the car. Officer Mauriello again pulled the detained Robert Harrison out of the way to safety. The

Volkswagen then rammed the rear end of the first cruiser with such force that the Volkswagen's front tire lifted off the ground. The Volkswagen then drove into a white van parked on the western shoulder of Marley and rammed it forward. Now boxed-in, the SUV reversed in a clear attempt to escape police. While reversing, a passenger in the rear seat of the vehicle opened the back door. Robert Harrison told police that he thought that the passenger fired at police. Officer Sackett had his gun drawn and ordered the driver to stop. Despite police orders to stop, the Volkswagen rammed the driver's rear side of the second cruiser and accelerated directly at Officer Pagel, who had his gun drawn. Officer Pagel took cover on the western shoulder of Marley as quickly as possible, while firing his gun at the driver of the Volkswagen. Officer Pagel fired between eleven and thirteen shots at the Volkswagen in an attempt to prevent the driver from seriously injuring or killing him or Officer Sharoh. The driver fled the scene and escaped apprehension by driving east on Wolcott Street.

A civilian eyewitness told police: "Later I was again explaining to my husband what I had saw. I told him that if I was the police officer I would have shot at the car as well. The car had turned right at the police officer and drove right at him. At no time did I observe that police officer place himself in the path of the second black SUV. The car turned and drove directly at the police officer."

Approximately 11 seconds passed between the time that the second vehicle accelerated toward the officers and the time that the driver escaped onto Wolcott. Approximately 4 seconds passed between the time that Officer Pagel pulled his gun from its holster and the time that the driver escaped onto Wolcott Street. Seven vehicles passed Marley Street at its intersection with Wolcott Street during the 48 seconds that separated the time that cruisers arrived and the time that the second SUV fled.

It is clear from the video evidence that the driver of the Volkswagen SUV was operating his vehicle in such a manner as to pose a risk of imminent deadly physical force to anyone in its path. Therefore, it was objectively reasonable for Officer Pagel to believe that the driver of the Volkswagen SUV was going to inflict serious physical injury or death upon him and/or Officer Sharoh, and his use of deadly force was justifiable. Furthermore, Officer Pagel's actions were justified to attempt to effect an arrest of a person whom he reasonably believed had attempted to commit a felony which involved the infliction of serious physical injury. At no time did Officer Pagel appear to intentionally place his body in the path of either fleeing vehicle.

Sheer luck prevented catastrophic results in this case. Using the video footage for guidance, we know that a civilian vehicle traveled on Wolcott Street past Marley Place at an average of every 6.5 seconds. Aside from the risk of death to the officers and the detainee on scene, the drivers of the two stolen vehicles could have killed innocent citizens driving along the road, or pedestrians walking along the road. As it turned out, the driver of the Audi rear-ended another vehicle, pushing it onto a sidewalk filled with pedestrians. Fortunately, no one was seriously injured as a result of that crash.

The importance of the video and audio footage of this incident cannot be overstated. An even more comprehensive examination of the situation would have been possible had the officers involved in this incident been wearing body worn cameras.

C. Conclusion

Therefore, based upon the facts as set forth in this investigation, Officer Pagel reasonably believed that the use of deadly force was necessary to defend himself, fellow officers and civilians in the immediate area from the imminent use of deadly physical force from the driver of the SUV. The use of deadly force by Officer Pagel in this circumstance was entirely appropriate under Connecticut General Statutes §53-22.

Accordingly, the Division of Criminal Justice will take no further action.



Dawn Gallo
State's Attorney
Judicial District of Litchfield
Dated September 29, 2021