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STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY- INVESTIGATION REPORT (DPS-302-E) (REVISED 2/3/06)

Page 1 of 9

Report Type: Report #: 1700247593 - 00261889

Initial Report: [] Prosecutors Report: [] Supplement: [x] Re-open: [] Assist: [] Closing: []

Attachments:

Statements: [x] Teletype: [] Photos: [] Sketchmap: [] Evidence: [] Other: []

Table with incident details: CFS NO, INCIDENT DATE, TIME, PRIMARY OFFICER, BADGE NO, INVESTIGATING OFFICER, TYPE OF EXCEPTIONAL CLEARANCE, CASE STATUS, INCIDENT ADDRESS, APARTMENT NO, TOWN CD.

STATUS CODE C=COMPLAINANT V=VICTIM A=ARRESTEE J=JUVENILE H=OTHER M=MISSING W=WITNESS O=OFFENDER D=DRIVER S=SUSPECT P=POLICE OFFICER T=TOT

Table with suspect information: STATUS, NAME, SEX, RACE, D.O.B., TELEPHONE, OP STATE & NO., ADDRESS.

Interview Report: Civilian Witness #6

On Monday 05/22/2017 at 1410 hours, Detective Michael Grabowski and I met with witness who had presented herself unannounced at the Troop G Barracks stated she wanted to provide detectives with her account of the 05/09/2017 Use of Force event which she stated she had witnessed. presented detectives with a seven-page typewritten account of what she wanted to report she had observed on 05/09/2017 as she sat in traffic on Fairfield Avenue near Park Avenue at approximately 1700 hours. (See pages 1-7 of the attached Packet.) also provided a copy of her vehicle registration. (p. 8)

As detectives began to review prepared material, it became evident that was including a number of subjective details. Detectives requested that limit her statement to matters she had perceived using her five senses - things she had seen/heard/smelled - and that she omit subjective items, such as her "impressions" of other persons' actions. responded by saying that she relied heavily on her intuition during her everyday life, and she resisted advice to remove interpretive material from her statement. Following an approximate two-hour review of the typewritten statement she had brought with her to the troop, indicated she wanted to take the material home with her in order to "re-work" her statement.

Investigator Signature: /TFC JOHN P KIMBALL/ INVESTIGATOR I.D.#: 0877 REPORT DATE: 10/27/2017 05:15 pm SUPERVISOR SIGNATURE: /SGT KENNETH J VENTRESCA/ SUPERVISOR I.D.#: 0256



On Tuesday 05/23/2017 at 1715 hours, returned to Troop G and began this meeting by asking again that she be allowed to provide her initial version of her statement as the final version. Detectives repeated their concern over the amount of subjective material contained within the initial draft, and agreed to review the statement with detectives.

then provided detectives with additional printed material which she described as "online research" she had conducted following the event from sources could not name. The material consisted of two articles:

Article #1 (pp. 9-11): A "Lesson Transcript" attributed to Natalie Boyd which included the headings "Police Brutality," "Excessive Force," and "Force Continuum" - refer to pages 9-11 of the attached packet. had included handwritten notes in two colors of ink (blue and black).

- a. Under FORCE CONTINUUM (p. 10), had written "Sitting at Walgreens" – An apparent reference to her erroneous claim that she had seen BPD officers in the southeast portion of the Walgreens lot immediately preceding the incident.
- b. Under VERBALIZATION (p. 10), had written "Asked to get out of car."
- c. Under EMPTY-HAND CONTROL (p. 10), had written "Reached in to keep driver out."
- d. Under LETHAL FORCE (p. 10), had written "Shot when feeling threatened (To: public, officer's self)."
- e. Under "FIRST, WHAT WAS THE SEVERITY OF THE CRIME THAT THE OFFICER BELIEVE THE SUSPECT TO HAVE COMMITTED OR BE COMMITTING?" (p. 11) had written:
 - "stolen car - wasn't stolen?"
 - "under age driver - true"
 - "under the influence - ?"
 - "mental health issues - possibly"
 - "resisting arrest - yes"
 - "traffic violations - yes"
 - "endangering the public - could have escalated; yes struck vehicles"

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- "endangering officers - could have escalated; ? yes struck officers according to the news" (italics in different color ink)
- "possibly concealed weapons (not nec.) - ?"

f. Under SECOND, DID THE SUSPECT PRESENT AN IMMEDIATE THREAT TO THE SAFETY OF OFFICERS OR THE PUBLIC? (p. 11)

had written:

- "suspect did not stop the car + surrender the keys or get out willfully"
- "suspect reversed his vehicle slowly after driving up a one way street + striking my car slowly and I perceived that an officer jumped out of the vehicle's way as to avoid getting run over."
- "The officer attempted to get the driver to leave the car by non-lethal force pulling him out once he opened the door w/ his left hand. The officer was struck by the vehicle door when the car began to move which precipitated him removing his hand from the driver and placing it on his weapon."
- "He shot the suspects."

g. Under THIRD, WAS THE SUSPECT ACTIVELY RESISTING ARREST OR ATTEMPTING TO ESCAPE? (p. 11) | wrote:

- "The suspect drove through Walgreens failing to stop."
- "The suspect did not comply w/ the officer after he asked him several times to get out of the car."
- "The suspect slowly drove up a one way street to my car looking for a path beyond my car and proceeded to bump my vehicle."

Article #2 Packet pp. 12-16): provided an article entitled HOW TO ENSURE USE OF FORCE IS "REASONABLE AND NECESSARY" AND AVOID CLAIMS OF EXCESSIVE FORCE, dated 09/05/2007. highlighted the following passages from this material.

a. Under WHAT IS PERMISSIBLE FORCE? (p. 12) highlighted:

- "The Supreme Court cautioned courts examining excessive force claims that 'the calculus of reasonableness must embody allowing for the fact that police officers are often forced to make split-second judgements - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation.' The Court also stated that the use of force should be measured by what the officer knew at the scene, not by the '20/20 vision of hindsight' by a

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Monday-morning quarterback. In sum, the Court fashioned a realistically generous test for the use of force lawsuits.”

- “...degree of threat posed by the suspect to officers or the public in light of relative numbers and strength.”
- “Courts may also consider the immediate availability of less-lethal tools.”
- “The suspect’s history of mental illness, or level of impairment from alcohol or drugs, also contributes to analysis of the threat posed by the suspect.”

b. Under WHEN DOES FORCE BECOME “EXCESSIVE”? (P. 13) highlighted:

- “An officer may use only that force which is both reasonable and necessary to affect an arrest or detention. Anything more is excessive force.”
- “In addition to the questions asked by the Graham v. Connor test, courts consider the need for the application of force, the relationship between the need and amount of force used, and the extent of the injury inflicted by the officer’s force.”
- “Regarding when an officer “can use deadly force” includes “second, when the officer has probable cause to believe that the suspect poses a threat of serious physical harm or death to the officer or to another...”
- “The Court also noted that, when feasible, a warning should precede the use of deadly force.

c. Under A FAIR EVALUATION OF THE USE OF FORCE (p. 14) highlighted:

- “Any veteran cop will tell you that he or she uses interpersonal communications skills infinitely more often than arrest and control techniques.”
- “this job is 99% sheer boredom, followed by 1% pure terror.”
- “However, long-overdue scientific research by people like Dr. Bill Lewinski of the Force Science Research Center is now changing conventional assumptions.”
- “Anyone claiming to provide an objective evaluation of police use of force must gain the necessary educational foundation to even ask the right question in order to reach reliable conclusions.”
- “Any use of force lawsuit will at least scrutinize, and possibly challenge, an agency’s use of force policies and training protocols. The first step to managed use of force liability is to maintain a legally sound, up-to-date policy.”
- “...but never provide training on the latest court decisions or statute changes that govern use of force? How many agencies provide regular in-service training of non-lethal less-lethal perishable skills, such as defensive tactics?”

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*** Notations at bottom of page 16 are illegible. ***

(p. 17) also provided detectives with a copy of the pamphlet provided by Funeraria Luz do Paz (426 East Washington Avenue, Bridgeport) at the funeral for Jayson Negrón, which reported she had attended. had highlighted the following passage: "Although my leaving causes pain and grief, my going has eased my hurt and given me relief."

On 06/02/2017 at approximately 1300 hours, returned to Troop G and provided a seven-page printed statement which she reviewed with Detective Grabowski and with me. During this review process, added hand-written notes in blue ink and crossed out other items using blue/black ink.

What appears below are a list of the objective statements provided by in her final version. entire 7-page written statement is attached to this report.

reports she was driving her 2002 Jeep Patriot (Connecticut Passenger Plate:) on Fairfield Avenue southbound on 05/09/2017 at approximately 1700 hours. had just left work at where she works as a and was en route to her home.

As approached the intersection of Fairfield and Park Avenues, with the Walgreens Pharmacy (1000 Park Avenue) on her right, she came to a stop in the right lane of two travel lanes behind other cars stopped at a red traffic control light at the intersection ahead. stated, "There were multiple cars in front of me, one beside me to my left and some behind me. There are two entrance/exits to Walgreens on that side of the (Walgreens) building. I was positioned in between them, beyond the center point. I was stopped approximately 30ft to 40ft from the right side curb of the 2nd exit/entrance: the inlet closest to me (the one closest to Park Ave.)"

After waiting at the light for approximately two minutes, reported the following: "I was surprised to see a silver/grey SUV very slowly driving out of the Walgreens 2nd exit/entrance (the one closest to Park Ave.) towards me and the car to the left of me; the wrong way on a one way street."

continued that "The driver (Jayson Negrón) was a young, pale, boy with dark hair. The front seat passenger () was dark skinned. I could not see the passenger's features but perceived his presence."

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stated , "I made eye contact with the driver. He looked young, dazed, confused and nervous. I was concerned that he may damage my car, he seemed disoriented. He presented like a very nervous new driver. He was not frantic or erratic. I perceived him to be looking beyond where he was going and failing to stop. He was looking around for a place to navigate into although he was on a one way street. He looked directly in front of him where there was a narrow opening between myself and the car to the left of me (the opening was approximately 2 1/2 ft. wide) he was about to hit us (he was approximately 3ft away). He then gazed upwards to the right into the distance and drifted in that direction. He did not accelerate. He softly touched my car and the car to the left of me which was in approximate alignment with mine. At this point he came to a complete stop. His car created a scrape on my front left head light casing and my bumper which was only photographed by Troop G. My bumper also had approximately a 2 1/2 inch crack in it which started at the body and moved outwards, it was photographed by Troop G. I heard a soft crunching sound. I felt a soft impact."

At this point, noticed a Bridgeport Police cruiser in the Walgreens driveway to her right. She described this as follows: "At this moment, in the near distance I saw a marked police car slowly go down the 2nd Walgreens parking lot entrance/exit and enter Fairfield Ave.; the officer parked the vehicle there. The officers paused there inside of the parked marked police car. The marked police car was on an angle. I saw the driver's side of the police car. I don't recall if the lights were on."

went on to state, "Just as the officer's car came to a stop, the teen backed up his car concurrently. The teens SUV stopped not far from it. It moved for a moment as the officer [Ofc. James Boulay] approached it. It rolled back then quickly stopped. "

went on to explain that "Out of the corner of my eye I saw a uniformed police officer (Ofc. James Boulay) located on the left of the vehicle in question jump out of the way as the boy's car approached him slowly. The officer was positioned to the left hand side closest to Park Ave." [This would seem to indicate the officer to whom was referring at this point was Ofc. James Boulay.]

went on to state (seemingly out of sequence) that "The uniformed officer in the front seat passenger's side of the police car located by the Walgreens 2nd exit/entrance [Ofc. Boulay] rapidly exited the police car. I think he may have left the door open. The driver of the police car [Ofc. Mario Pecirep] did not exit the car at that moment. I did not see him exit in the future. The uniformed officer [Ofc. Boulay] stepped out of the car and very quickly (briskly) walked around the front of the police car (not quite running

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but approaching running). When the officer [Ofc. Boulay] was close to the rear of the boys SUV which was coming to a stop for a second time, he collectively proclaimed, " Whoa, whoa, whoa, stop the car." He touched the rear panel of the car with his hand. I did not perceive the officer to be injured or struck by the vehicle at this time. The police officer looked around and assessed the environment moving in on the front driver side of the SUV."

stated that the officer approached the driver's window with his weapon raised through the open window at the driver. wrote, " The uniformed officer stood back from the car. There appeared to be room for the car door to open without issue. He put distance between himself, the car and the youths....He then continued to order the youths to, 'Get out of the car, Get out of the car.' He very seriously dictated, 'Get out of the car! Get out of the fucking car.' "

reported being able to detect "fear on the driver's face" as he leaned backwards onto the passenger.

At this point in her statement, reports that "Once the officer approached the SUV I saw a yellow stripe upon a dark colored shirt inside the left hand side of the car, it was unclear if it was positioned in the front seat passenger side or if there was a person in the back seat. I saw one officer, I wanted to know how many people were in the car, this is when I noticed the stripe." Investigation has established that there were only two occupants in the stolen Subaru: the driver, Jayson Negron; and the passenger,

went on to state "I was approximately 20ft. to25 ft. away (I think). I could see inside the car and hear the yelling well. I did not see any two way conversations. I did not see talking. I did not see the boy lash out at the officer. I did not see him raise a gun. I did not see him raise his hands as if he was surrendering. I did not see him move to comply with the officers demands. He looked scared. The officer continued to yell at him to, 'Get out of the car!' 'Get out of the fucking car.' ... He asked them approximately 6 to 8 times to exit the car while the car door was closed."

As neither vehicle occupant had followed his directions, explained Ofc. Boulay's actions as follows: "Next the officer darted towards the car and opened the driver's side door quickly with his left hand without issue, he rapidly retreated a very short distance. He paused for a moment and checked inside by leaning back and glancing around before reaching inside and grabbing the boy's right arm with his left hand. I did

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not see him holster his weapon which was in his right hand. I did not see him using his right arm to assist in getting the boy out of the car. He did step behind the door partially out of my view during this period however. He insisted that the teen, "Get the fuck out of the car!" I perceived the uniformed officer to be holding the drivers right arm above his elbow and trying to pull him out of the car with his left hand. He attempted to pull the teen out by one arm but the teen continually resisted leaning back on the passenger away from the officer."

went on to describe Ofc. Boulay being struck by the vehicle in this manner: "He asked approximately 2 1/2 times for the driver to exit the car (it was approximately a quarter of the time that he spent asking with the door closed before the car briefly moved). The car moved briefly in reverse causing the officer to be jolted by the open driver's side door positioned to the left of him which moved towards him. The door bounced back into place and was left intact, in place. Had the car moved in reverse more forcefully and for a longer period of time, the officer could have fallen and potentially been seriously injured. In this case, the officer became off balance. He took a step to the right with his gun in his right hand and released the drivers arm. The driver continued to lean back on the passenger. The officer quickly regained his stance as the occupants in the car stopped the car from moving. The teen continued to lean back on the passenger. The officer quickly regained his composure bringing his right hand that was holding his gun together with his left hand. He placed both hands on his weapon and very briefly paused in front of the driver's door then shot into the car once...I witnessed the teen react to the first shot that I heard. There was a pause and then three shots (possibly more) rang out one after the other; there was a very brief pause then the last two shots were fired. I would say at least 6 if not more shots were fired. The driver's side door of the car was open and the officer shot at the people through the open driver's side door."

Following the gunshots, explained her efforts to leave the scene as follows: "I quickly turned my head to try and retreat as more shots were being fired. I backed up my car and gently bumped the car behind me as the shots were completing being fired. I was not able to move far. I damaged my right rear light casing. The next time I attempted to go backwards, I saw that the surrounding cars had moved away from me which enabled me to make a U-turn into the 1st entrance/exit of the Walgreens parking lot and I parked my car. As I was driving towards the entrance/exit I saw a black pick- up truck, a man was holding up his cell phone, it looked like he was videoing. I parked my car beside the corner of the Walgreens building in their parking lot under where the surveillance camera is located before the building wraps around to the drive through window on the left. I exited my car and assessed the damage walking around it. I began to reach out to various people as the magnitude of what had just taken place registered in my

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being. I glanced and saw the dead teen on the ground on the small incline inside the Walgreens parking lot exit/entrance on the Fairfield Ave. side closest to Park Ave. He was on his back, in hand cuffs (it looked like zip ties), his hands were positioned on his stomach. I saw all white; I believe I viewed him from his waste up. I did not see blood. I questioned in my mind why he was in hand cuffs; he looked as if he was deceased. I thought he was elevated on something. Perhaps it was one of those medical boards that they carry people on when they are in an accident.”

Attachments:

Written Statement of _____ (7 pp.)
Packet (17 pp.)

Case Status: Active

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