

**BRIDGEPORT POLICE DEPARTMENT**  
**OFFICE OF INTERNAL AFFAIRS**



**OFFICE OF INTERNAL AFFAIRS**

**CHIEF OF POLICE**

**ARMANDO J. PEREZ**

**Internal Investigation**

**OIA CASE 17I-200**

**316 Colorado Avenue**

**Bridgeport Connecticut 06605**

**Primary Investigator:**

**SERGEANT SANTIAGO LLANOS**

**Secondary Investigators:**

**SERGEANT JOHN BURKE**

**SERGEANT FABIO PEREIRA**

**Assisting Investigators:**

**SERGEANT MILTON JOHNSON**

**SERGEANT JOHN KLESYK**

**SERGEANT JESSI PIZARRO**

**SERGEANT LAWRENCE LAZARO**

**203-567-8298**





**CITY OF BRIDGEPORT**  
**DEPARTMENT OF POLICE**  
**OFFICE OF INTERNAL AFFAIRS**  
**999 BROAD STREET**



**Bridgeport, Connecticut 06604**  
**Phone: (203)576-8298 Fax: (203)332-5525**

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Record #

1

**Chief of Police  
Armando J. Perez  
Directive**

**Internal Investigation 17I-200  
Office of Internal Affairs**



*City of Bridgeport*  
DEPARTMENT OF POLICE  
**OFFICE OF THE CHIEF**

300 Congress Street • Bridgeport, Connecticut 06604 • Telephone (203) 581-5111 • Fax (203) 576-8130

**ARMANDO J. PEREZ**  
Chief of Police

To: Lieutenant Brian Dickerson  
From: Chief Armando J. Perez  
Date: October 24, 2017  
Re: **Directive Regarding Internal Investigation**

Lt. Dickerson:

I am directing you to open an internal investigation concerning the possible use of excessive force and any other department violations stemming from the incident on Colorado Avenue this past weekend and the subsequent actions in the booking area. The investigations initial specific focus are the actions of Sergeant Paul Acillia and Officer T. Lattanzio.

Chief Armando J. Perez



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**ARMANDO J. PEREZ**  
Chief of Police

**To: Lieutenant Brian Dickerson**  
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**Date: October 24, 2017**  
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Chief Armando J. Perez

**Officer in Charge  
Lieutenant Brian Dickerson  
Office of Internal Affairs  
Report**

**Internal Investigation 171-200  
Office of Internal Affairs**



City of Bridgeport  
DEPARTMENT OF POLICE  
**OFFICE OF INTERNAL AFFAIRS**

999 Broad Street • Bridgeport, Connecticut 06604 • (203) 576-8298 • Fax (203) 332-5525

**ARMANDO J. PEREZ**  
Chief of Police

TO: Mayor Joseph P. Ganim  
President, Board of Police Commissioners  
Chief Armando J. Perez

FROM: Lieutenant Brian Dickerson  
OIC - Office of Internal Affairs

DATE: November 16, 2018

SUBJECT: OIA Case #17I-200  
Complainant(s): Mr. Carmelo Mendez  
Mr. Peter Diaz

Subject(s): Sergeant Paul Scillia, Officer Michael Stanitis, Officer Daniel Faroni, Officer Joseph Cruz, Officer Adam Szeps, Detective Kenneth Fortes, Lieutenant Robert Sapiro, Sergeant Mark Belinkie, Officer Douglas Bepko, Officer Todd Sherback, Officer Joseph Pires, Officer Matthew Johnson, Officer Linet Castillo, Officer Natalie McLaughlin, Officer Michael Mazzacco, Officer Stephen Silva, Officer Thomas Lattanzio, Civilian Detention Officer Jose Figueroa, and Civilian Detention Officer Paul Humphrey.

FINDINGS: Sustained Violations of Bridgeport Police Department's Policy & Procedures/Rules & Regulations (**Referred to the Honorable Board of Police Commissioners**)

Sir:

Upon reviewing all information obtained relative to this Citizen's Complaint, I concur with the recommendation of Sergeant Santiago Llanos and Sergeant John Burke. In regards to the allegations of **Police Misconduct and Civilian Detention Officer Misconduct** it is found to be *Sustained; referred to the Board of Police Commissioners*.

In regards to the allegations lodged against Officer Thomas Lattanzio the disposition is found to be Separated from Service.

Please refer to the investigators report for details.

Respectfully submitted,  
*Lieutenant Brian Dickerson*  
Lieutenant Brian Dickerson  
Office of Internal Affairs



Record #

3

**Investigative Report  
Sergeant Santiago LLanos**

**Internal Investigation 17I-200  
Office of Internal Affairs**



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DEPARTMENT OF POLICE  
**OFFICE OF INTERNAL AFFAIRS**

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**ARMANDO J. PEREZ**  
Chief of Police

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**ARMANDO J. PEREZ**

Chief of Police

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**ARMANDO J. PEREZ**

Chief of Police

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ARMANDO J. PEREZ

Chief of Police

To: Mayor Joseph Ganim  
President, Board of Police Commissioners  
Chief Armando J. Perez

Thru: Lieutenant Brian Dickerson  
OIC of Internal Affairs

From: Sergeant Santiago LLanos  
Office of Internal Affairs

Date: November 13, 2018

Re: OIA Case # 17I-200  
Citizen Complaint of Carmelo Mendez DOB [REDACTED] 3 - CGS Sec...  
Citizen Complaint of Peter Diaz DOB [REDACTED] 3 - CGS Sec...

***Findings: Sustained violations of the Bridgeport Police Departments Policy and Procedures / Rules and regulations -Referred to the Board of Police Commissioners.***

*On Saturday October 21, 2017 at approximately 2220 hours Officer Natalie McLaughlin was dispatched to the area of State Street and Colorado Avenue to investigate a noise complaint. This initial noise complaint led to the subsequent arrest of Mr. Carmelo Mendez, Mr. Peter Diaz, Mr. Fernando Morales, Mrs. Wanda Mendez, Mrs. Sara Deida, Mr. Ramon Davila, Mr. Jose Alvarado and Mr. Jose Rosario. Video footage surfaced which resulted in concerns over allegations of police misconduct relative to physical force used by Sergeant Paul Scillia, Officer Michael Stanitis, Officer Thomas Lattanzio and Officer Joseph Cruz*

On October 22, 2017 at approximately 0008 hours the undersigned Sergeant received a call from the Office of Internal Affairs (OIC) Lieutenant Dickerson regarding an incident that took place inside the Bridgeport Police Department Booking Area located at 300 Congress Street Bridgeport. Lieutenant Dickerson stated he received a call from Sergeant Jeff Long pertaining to this incident.

The undersigned Sergeant along with Sergeant Fabio Pereira were detailed by Lieutenant Dickerson and responded to the Office of Internal Affairs to capture video footage of this incident. On October 22, 2017 at approximately 0041 hours Lieutenant Dickerson contacted Chief Armando Perez regarding this incident.

As a result of this incident, Mr. Carmelo Mendez and Mr. Peter Diaz both filed a citizen's complaint. Fifty-six taped interviews were conducted. Nineteen department personnel were recommended with sustained charges of Policy and Procedure. Refer to the footnotes.<sup>1</sup>

<sup>1</sup> Sergeant Paul Scillia, Officer Michael Stanitis, Officer Joseph Cruz, Officer Thomas Lattanzio, Lieutenant Robert Sapiro, Sergeant Mark Belinkie, Detective Kenneth Fortes, Officer Daniel Faroni, Officer Adam Szeps, Civilian Detention Officer Jose Figueras, Officer Natalie McLaughlin, Officer Matthew Johnson, Officer Douglas Bepko, Officer Todd Sherback, Officer Michael Mazzacco, Civilian Detention Officer Paul Humphrey, Officer Linet Castillo-Jimenez, Officer Joseph Pires, Officer Steven Silva

**Information obtained from Sergeant Jeffrey Long regarding this incident.**

The undersigned Sergeant spoke with Sergeant Long by phone after arriving to Internal Affairs. Sergeant Long stated the following among other things;

Sergeant Long relayed that they had a couple of incidents in Booking stemming from a house party (*loud music/noise complaint as indicated by C.A.D. dispatch*) on 316 Colorado Avenue which turned out to be a 10-32 (code for Officer needs assistance). Sergeant Long stated they brought some people in on arrests from this incident.

**First Incident: Incident in the Male Holding Cell**

Mr. Carmelo Mendez who was in the main holding cell in the process of being transported to the hospital by the medics, lost consciousness, fell backwards, struck his head and was taken to 4 - HIPAA

**Second Incident: Incident Regarding Physical Altercation**

Sergeant Long relayed to Sergeant Pereira that Mr. Peter Diaz who was being processed by Officer Thomas Lattanzio allegedly spit in Officer Lattanzio's face. Officer Lattanzio allegedly struck Mr. Diaz in the face. Sergeant Long stated a use of force form was to follow.

**Third Incident: Incident at Male Cell #7**

Sergeant Paul Scillia was attempting to help AMR secure Mr. Peter Diaz into a stair chair used to transport individuals up and down stairs due to this Mr. Diaz having an ankle injury and had been in a wheel chair at the scene on 316 Colorado Avenue. While attempting to secure the stair chair belt strap, Sergeant Scillia's hand slipped hitting Mr. Diaz on the chin. Mr. Diaz immediately began claiming Sergeant Scillia punched him in the face. Sergeant Long stated he did not see any visible injury on Mr. Diaz. This incident took place in front of male cell#7.

The undersigned Sergeant along with Sergeant Pereira viewed the above-mentioned incidents utilizing the Milestone Xprotect Smart Client camera system of what occurred inside Booking from Saturday October 21, 2017. Due to the volume of video footage captured and the many different cameras located in and out of Booking it took several hours to view the footage captured. Due to the volume of footage captured we were unable to download and save the footage captured until the following day. Later in the day, the Office of Internal Affairs began receiving documents, such as the incident reports, addendums and officers typed reports regarding this incident from the command staff in patrol.

**Chief's Directive and Investigation Background:**

On October 21, 2017, Per Chief Armando J. Perez, the Office of Internal Affairs was directed to open an internal investigation concerning possible use of force and any other department violations stemming from the incident on Colorado Avenue and the subsequent actions of use of force in the Booking area. The investigations initial specific focus is the actions of Sergeant Paul Scillia and Officer Thomas Lattanzio. A directive was received, and the undersigned Sergeant was assigned to investigate the incident.

Subsequently, the Office of Internal Affairs received two Citizen Complaints regarding this incident at 316 Colorado Avenue citing excessive use of force.

The supervisory staff within the Office of Internal Affairs reviewed Mr. Mendez's complaint. The supervisory staff within the Office of Internal Affairs reviewed Mr. Diaz's complaint. It was determined that both complaints were from the same incident, therefore would be investigated by the Office of Internal Affairs under the same investigation. The undersigned Sergeant was assigned to investigate this complaint.

**Authority:**

Bridgeport Police Department Policy and Procedure Manual Section Formerly 1.8.5 provides as follows

**Investigation of Civilian Complaint**

- 1) The Office of Internal Affairs shall maintain in a secure manner all investigative case jackets of all investigations conducted, supervised, and/or controlled by the office, including all Citizen Complaints.
- 2) Supervisory personnel in the Office of Internal Affairs will maintain a Case Log of all investigations conducted by or under the control of the Office of Internal Affairs.
- 3) Supervisory personnel in the Office of Internal Affairs will review all Citizen Complaint Forms as received and will make the following determinations:  
Bridgeport Police Department Policy and Procedure Manual Original, 18 Dec 07 Part 1, Chapter 1.8 – Office of Internal Affairs 1.8:5
  - a) To reject the complaint in that the complaint was not filed within 60 days from the date of the event or occurrence complained of or the final disposition of criminal charges against the complainant.
  - b) To initiate an investigation which will be conducted by personnel from the Office of Internal Affairs.
  - c) To forward copies of the Citizen Complaint Form and the Incident Report to the Officer-in-Charge of the Division to which the officer(s) named in the investigation were assigned at the time of the incident in question for investigation and completion by a date set by the Office of Internal Affairs. The Officer-in-Charge to which the complaint has been referred may assign the investigation to a subordinate Captain, Lieutenant or Sergeant. However, the Officer-in-Charge is directly responsible for supervising the investigation, ensuring dates for completion of the investigation are met and ensuring that action(s) taken or recommended are appropriate and in compliance with policy.
  - d) Upon completion the Officer-in-Charge who had supervised the investigation will forward, through the chain of command, all reports, findings and recommendations to the Office of Internal Affairs in a sealed envelope.
- 4) The Office of Internal Affairs will, when possible, within 30 days of receiving the Citizen Complaint Form, notify complainants as to the identity of the officer(s) involved in the incident if the identity of the officer(s) is unknown to the complainant.
- 5) The investigator assigned to conduct the investigation shall notify the officer(s) under investigation in accordance with current operative Barros Decree, Form CC-2, Notification of Internal Investigation shall be used for this purpose. The officer(s) will be given copies of the Citizen Complaint Form, with the names of the witnesses obliterated, prior to any interview or statement.
- 6) During the course of the investigation investigators will take sworn statements from all witnesses as well as from the concerned officer(s). This will be accomplished by taking a tape-recorded transcribed statement. The statement will be reviewed by the person giving it, after which an affidavit will be

executed as to the truth of the contents of the same. Every person shall, after affidavit execution, be given a copy of their statement if he so requests.

7) Investigation of citizen complaints shall, under normal circumstances, be completed within a 60-day period per the Barros Decree. However, in instances where circumstances do not allow for the completion of the investigation within this time frame, the complainant will be so notified in writing with sufficient explanation as to why additional time is required and with an estimated date of completion. This notification will be made by supervisory personnel from the Office of Internal Affairs. This notification will be accomplished via *Certified Mail* with a duplicate transmittal by first class mail.

8) The results of any investigation will be categorized by the investigating officer as follows:

- a) Unfounded.....the allegations are false.
- b) Exonerated.....the incident occurred but was lawful and proper.
- c) Not sustained.....insufficient evidence either to prove or disprove the allegation.
- d) Referred .....referred to the Board of Police Commissioners.

9) Upon completion of the investigation, the Office of Internal Affairs will inform the complainant in writing as to the outcome and the reason(s) for such outcome of the investigation as well as informing the officer(s) who were subject of the investigation.

Bridgeport Police Department Policy and Procedure Manual Original, 18 Dec 07 Part 1, Chapter 1.8 – Office of Internal Affairs 1.8:6

10) Upon completion of the investigation, completed investigative reports will be distributed as follows:

- a) The Office of the Mayor.
- b) The President of the Board of Police Commissioners.
- c) The Chief of Police.

11) At the conclusion of the investigation a Case Closeout Form will be completed, and an entry made into the Case Closeout Log Book.

***{Policy Update Attached}***

**Police Officer Standards & Training Council Model Garrity “Plus” Warning For Use In Administrative Investigations (Compliant with the Requirements of Connecticut General Statute 7-294d(c)(2)(1)):**

You are being questioned as part of an official administrative investigation being conducted by your employer, the Bridgeport Police Department. During the course of this interview, you will be asked questions specifically, directly and narrowly related to the performance of your official duties and/or your fitness for office. You are hereby ordered to answer each of the questions posed truthfully and completely. You are entitled to all of the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself, as well as any additional rights established by state law or contractual agreement between your employer and your labor organization, if any. You are advised that, if you refuse to answer questions related to the performance of your official duties and/or your fitness for office, you will be subject to administrative disciplinary charges carrying the penalty of dismissal or termination from employment with this agency. If you choose to answer questions truthfully and completely, neither your oral testimony or written statement, nor any information or evidence gained by reason of such oral testimony or written statement, may be used against you in any pending or subsequent criminal proceeding. However, such testimony or statements may be used against you in this or any subsequent administrative disciplinary proceeding as evidence of misconduct or violation of the



rules, regulations, policies or orders of your employer pertaining to your job performance, or in decertification proceedings conducted pursuant to the provisions of Conn. Gen. Stat. 7-294d(c)(2)(1).

#### **Case Law:**

##### *Graham v. Connor*

**Graham v. Connor** 490 U.S. 386 (1989) was a United States Supreme Court Case where the Court determined that an objective reasonableness standard should apply to a civilian's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other "seizure" of his person.

The Supreme Court held that determining the "reasonableness" of a seizure "requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake". It stated, "Our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion of threat thereof to effect it". The court held, "[b]ecause the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," the "proper application requires careful attention to the facts and circumstances of each particular case."

The Court explained that, "[i]n our fourth Amendment contexts...the "reasonableness" inquiry in an excessive force case is an objective one: the question is whether the officer's actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation". The court cautioned that, "[the "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." In other words, what would a reasonable officer, reasonably trained, have done under the circumstances?

The court then outlined several factors for determining when an officer's use of force is objectively unreasonable: "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

#### **The Three Factors:**

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be used.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

#### **Additionally:**

##### *Kingsley V. Hendrickson*

**Kingsley V. Hendrickson**, 576 U.S. (2015), is a United States Supreme Court case in which the Court held a 5-4 decision that a pretrial detainee must only prove that force used by police is excessive according to an objective standard and is not required to prove that a police officer was subjectively aware that the force

used was unreasonable. Although *Kingsley* concerned a pretrial detainee, it suggested additional criteria which might be of assistance in evaluating excessive force claims.

**Objective Consideration: Criteria:**

1. Threat perceived by a reasonable officer.
2. Need for Use of Force.
3. Amount of Force used.
4. Efforts made to temper.
5. Extent of the injury.
6. Severity of the situation.
7. Actively Resisting.

**Connecticut General Statute 53a-22:**

**Sec. 53a-22. Use of physical force in making arrest or preventing escape.** (a) For purpose 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, 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, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d 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, motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d 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 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.

***On March 28, 2018 Policy and Procedure General Order number 4.02 was enacted by the Honorable Board of Police Commissioners and the Chief of Police stating the following:***

The Chief of Police will have the authority to direct any Class 1 or criminal investigation to the Office of Internal Affairs or outside agency for investigation. The Commander of Internal Affairs will also have the authority to begin a criminal investigation during the course of an Internal Investigation or Citizen Complaint if the details of the case turn into a possible criminal allegation.

**Mr. Carmelo Mendez Citizen Complaint Summary:**

On October 23, 2017 complainant Carmelo Mendez completed a citizen complaint against several unknown members of the Bridgeport Police Department. Mr. Mendez described one of the officer's as a white male, bald and tall. He also described the second officer as a white male with a mohawk and the third officer as a white male with the name Stern on his name tag. The complaint was relative to an incident that occurred at 316 Colorado Avenue on October 21, 2017, in which Mr. Mendez indicated he was "beaten up and arrested."

Mr. Mendez writes he was at a 12-year-old children's birthday party at his sister's house. He stated he video recorded the situation because the police arrived aggressively. Mr. Mendez stated one officer told him it was okay to record as long as he stood behind the area the officer pointed to, which he complied as told. Mr. Mendez stated while one officer hit his mother who was on the deck and threw her on the floor while he was still recording. Mr. Mendez stated another group of Bridgeport Officers arrived on scene yelling and pushing civilians. Mr. Mendez stated civilians were arrested for no reason and because one officer said everyone is getting arrested.

Mr. Mendez stated one white male officer (Officer Adam Szeps) with a mohawk aggressively approached him, said nothing, grabbed him and threw him on the floor just because he was recording. Mr. Mendez stated when he fell to the ground the officer was on top of him hitting him and other officers were kicking him and punching him in the face. Mr. Mendez stated while he was on the ground, he yelled he had a gun permit and carrying a pistol. Mr. Mendez stated one officer yelled, "you're not getting this gun back at all asshole." Mr. Mendez stated he was not resisting arrest at all. Mr. Mendez stated he had over ten officers on top of him kicking and punching him all over. He stated there is evidence on camera.

Mr. Mendez stated two officers put shiny objects on their hands to hit his face which made circle marks on his face. Mr. Mendez stated after hitting him with the objects they proceeded to store them on their back side of their uniform. Mr. Mendez stated this should be on evidence on camera. Mr. Mendez stated while he was being handcuffed and taken into custody the officer with the mohawk put the shiny object back on his fist and hit him multiple times and then again placed the object back in his uniform. (Mr. Mendez provided this office with a narrated video taken on his cell phone from video footage captured at 316 Colorado Avenue.) In this narrated video he identifies Officer Michael Stanitis and points out exactly when Officer Stanitis is allegedly assaulting him with an object and when Officer Stanitis places the item back on his police duty belt. Mr. Mendez also identifies Sergeant Paul Scillia and points out exactly when Sergeant Scillia is allegedly assaulting him while he is on the ground. Mr. Mendez identifies Officer Stanitis as being the tall, bald, White male and Sergeant Scillia as the Officer with the mohawk. *See narrated video. Book 4, Hard drive, Case Digital Media, Index #17, (Folder 28 videos Colorado, Folder 23 video 20171022\_170415xx.* This video was received from Att. Berke on 01/25/18.

Mr. Mendez stated as he was taken to the police vehicle the officer with his property told him he was not getting his gun back and that he was an "asshole, a stupid idiot and was not complying with their orders." Mr. Mendez stated the officer told him he was arrested because he was resisting arrest and did not leave when he was told to. Mr. Mendez stated he told the officer he was a highly decorated soldier in the military that not deserve to be treated the way they treated him, and the officer told him, "shut the fuck up, he didn't give a fuck who he was."

Mr. Mendez stated he was escorted to the police department and while in the holding cell he was told he passed out and fell because he was bleeding and had circle marks. Mr. Mendez stated the right side of his face was bleeding. [REDACTED]

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Mr. Mendez stated while in the holding cell, prior to him passing out, he witnessed an officer hit a friend with a punch on his face knocking him on to the ground. Mr. Mendez stated he was never given a receipt for his property for his firearm that was taken. Mr. Mendez stated he has a valid pistol permit.

On October 31, 2017, the undersigned Sergeant along with Sergeant Jesse Pizarro conducted a taped interview of Mr. Carmelo Mendez in the Office of Internal Affairs. *See Mr. Mendez's complete statement for specific details.*

***Summary of Mr. Mendez's Statement he Stated the Following:***

Mr. Mendez stated on October 21, 2017 at approximately 9:00pm-9:30pm he went to his niece's 12-year-old birthday party at his sister Wanda Mendez's and her husband Fernando Morales' home, located at 316 Colorado Avenue. Mr. Mendez stated he believes there was about 15 children and about 10 adults totaling approximately 25 people at the party.

Mr. Mendez stated there was a DJ with two 12-inch speakers playing music, not disturbing, but it was just loud enough that they could hear it and maybe the neighbors on both sides could hear it. Mr. Mendez stated he did not see any alcoholic beverages at the party and he did not have any at the party but had about two beers before he got to the party.

Mr. Mendez believes someone complained about the noise and they called the police. Mr. Mendez stated the police arrived, there was a male and a female Officer. Mr. Mendez stated the officers entered through the driveway, so his sister, which is the owner of the house, Wanda Mendez, approached them and asked, "What's the problem?" Mr. Mendez stated the Officer said that somebody complained about the noise, so they need to turn the music down. Mr. Mendez stated he believes the DJ turned off the music soon as the cops arrived.

Mr. Mendez stated things escalated when his sister and her boyfriend (Fernando Morales) were asking the Police Officers at what time was music supposed to stop. He stated the Police Officers were quickly escalating in the tone of voice with authority, stating "The fucking music stops now when I fucking tell you to stop the music". *(Page 2, line 48-49)*

Mr. Mendez stated one of the Officers said something over the radio and quickly a whole bunch of Police Officers arrived and started telling people to shut up and get out of the party. Mr. Mendez stated a few other Officers came yelling, "Everybody's gonna get arrested. *(Page 2, line 53-54)* We told you to turn off the music". *(Page 2, line 54-55)*

Mr. Mendez stated the music was already turned off since the arrival of the first Police Officers. He stated then another set of Police Officers came pushing people and another Officer said "Everybody get the fuck out. Party's over-party's over. Everybody get out and whoever does not get out is gonna arrested. You people aren't cooperating." *(Page 2, line 58-60)*

Mr. Mendez stated he quickly started to record on his phone and when he was recording another Officer approached him and said, "You can record all you want as long as you're standing behind here," *(Page 2,*

line 62-63) (an imaginary line on his sister's property). Mr. Mendez stated he stood behind the line.

Mr. Mendez stated that's when things started escalating. He stated one Officer on the deck, in the back of his sister's (Wanda Mendez) house, grabbed his mom (Sara Deida), and she was slapped a couple of times. Mr. Mendez stated they handcuffed her and the Officer was dragging her down the stairs of his sister's deck.

Mr. Mendez stated he also observed another Officer punching another friend of theirs that was at the party in the back of the head. He stated then quickly another Officer came by in front of him and told him, "Oh, get out - get out." (Page 2, line 73) Mr. Mendez stated he told him, "This is my sister's house." (Page 2, line 74) Then another Officer came behind him without saying anything at all, grabbed him by the neck and shoved him to the floor.

Mr. Mendez stated that is when a whole bunch of other Officers started punching him in the face and kicking him. Mr. Mendez stated while he was on floor, he said, [REDACTED] 2 - CGS Sec. 29-28(d) (Page 2, line 78) and they started punching him harder. Mr. Mendez stated they were punching him before and after he said [REDACTED] 2 - CGS Sec. 29-28(d) Mr. Mendez stated after he said [REDACTED] 2 - CGS Sec. 29-28(d) one of the Officers said, "We don't give a fuck, shut up." (Page 2, line 80-81) Mr. Mendez stated he kept saying, "They're punching me. They're punching me in the face. They're punching me and they're kicking me." (Page 2, line 82-83) Mr. Mendez stated they just continued to punch him and kick him.

Mr. Mendez stated he then saw two of the Officers, one that was behind him, put his knees on his back near his neck. He had something shiny on his knuckles and he kept punching him in the face and then he got up. Mr. Mendez stated there was a sergeant walking by and he yelled "Oh, they're still punching me, they're still punching me." (Page 2, line 89-90)

Mr. Mendez stated when the Officers were lifting him up, an Officer who had something shiny in his hands, not sure if it was handcuffs or brass knuckles punched him two times on the face and threw him back down on the floor. Mr. Mendez stated the Officers then picked him up and took him to the Police car.

Mr. Mendez stated as he was being walked to the Police vehicle the Officers were manhandling him. He stated one of the Officers grabbed him in the driveway by the chain necklaces around his neck and started wiggling his neck after Mr. Mendez told him he was in the military. Mr. Mendez stated the Officer said he "does not give a fuck."

[REDACTED]  
2 - CGS Sec. 29-28(d)

[REDACTED]  
2 - CGS Sec. 29-28(d)

Mr. Mendez stated he said, "Wow, this is the way you treat veterans." And the Officer said, "I don't give fuck who you are" and then they shoved him in the back of the Police Officer's Car.

Mr. Mendez stated they transported him to booking and the handcuffs were so tight that he could not feel his hands. Mr. Mendez stated he asked multiple times for them to loosen up the handcuffs and he stated they ignored him because they probably thought that he just wanted to get the handcuffs off.

Mr. Mendez stated once he arrived in Booking they placed him in the holding cell still handcuffed. Mr.

Mendez stated while in the cell an officer asked him if he wanted to go to the hospital, but Fernando Morales, who was also in the holding cell was telling the officer not to talk to him (Carmelo Mendez). Mr. Mendez stated, Mr. Morales kept telling him not to talk to the officer. Mr. Mendez stated Booking was chaotic with arguments back and forth.

Mr. Mendez stated at the time he was not aware of the injuries on his face. Mr. Mendez stated he felt light-headed, and he did tell the officer that he felt light-headed. The officer asked him if he wanted to go to the hospital and Mr. Mendez stated no, because at the time he did not feel he needed to go. Mr. Mendez stated he was cooperating with the officer answering all his questions. Mr. Mendez stated he was dizzy and his head was spinning due to the punches and kicks to the face and the body.

Mr. Mendez stated that while he was in the holding cell, another guy with a broken leg that was also arrested he knew as "P" (Peter Diaz) was standing and going back and forth (arguing) with an officer. The officer was asking him questions, and he (Carmelo Mendez) did not know what happened, but he saw the officer punch "P" in the face, knocking him to the floor.

Mr. Mendez stated he asked a Hispanic Sergeant, (Sergeant Ivan Delgado), what's on his (Carmelo Mendez) face because (Fernando) and the other guy (Ramon Davila) were asking him, what happened to his face? They said his "face was fucked up." Mr. Mendez stated he asked the sergeant what was going on with his face because he could not see it. Mr. Mendez stated he asked the sergeant, why the brutality? The sergeant told him, "I was not there, so I do not know what happened." Fernando turned around and said, "He was there. He was walking around. He's a fucking pig. He was walking around, and he was there. He saw everything." *(Page 49, line 2161-2167)*

Mr. Mendez stated the sergeant turned around and said I just clocked in. Mr. Mendez stated the sergeant eventually told him he had bruising on his face, and he looked like he was bleeding. Mr. Mendez stated the paramedics then came in.

Mr. Mendez described the injuries on his left side as being all bruised up. His jaw was locked and he could not even talk when the sergeant was talking to him. He stated he was trying to get his words out, but his jaw was locked. Mr. Mendez stated he had about six circled bruises on the left side of his face. He stated he had bruises to the back of his head and bruises on his right-side cheek which was scraped like if somebody was pushing his face against the cement and scraping it. He stated he has injuries to his temple and was bleeding through both of his eyebrows and his face was swollen.

Mr. Mendez stated that while in the cell a female medic asked him for his name, he stood up and told her his wallet was in his left side chest pocket. He then stated he did not remember anything else other than waking up inside the ambulance and the lady medic telling him they were taking him to the hospital. The medic also told him to stay awake and not to fall asleep because of the bruises. Mr. Mendez stated the medic also asked him what he was hit with and he said he did not remember. He stated he kept nodding off and the medic kept telling him to stay awake.

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Mr. Mendez stated when he arrived back in Booking, around 3am, they placed him in an individual cell. Mr. Mendez stated hours later or the next day they photographed and fingerprinted him. Mr. Mendez stated he was released from Booking on bail around 12 noon.

Mr. Mendez stated to Sergeant Pizzaro that he believed more officers were called to the scene because his sister was telling the police to leave her property, that they already turned off the music and there was no reason for them to stick around. And that is when they made the call.

Mr. Mendez stated the police were already aggravated when they got there and just came in and said, "turn off the music, end the party." Mr. Mendez stated his sister told them, "The music is already off. Leave." And that is when everything escalated.

Mr. Mendez stated the civilians and the police were swearing at each other back and forth while his sister was telling them to get off her property. Mr. Mendez stated then Fernando, (Fernando Morales) came and told the officers, "This is our fucking property. We are paying fucking taxes, and she is telling you to leave, you do not belong on our property." (*Page 56, line 2467-2469*)

Mr. Mendez stated the officers started swearing when his sister (Wanda Mendez) and Fernando were asking, "What time is it that we are supposed to turn off the music, because there are other neighbors that do it, and they stay 'til 3:00 or 4 o'clock in the morning, and the police do not arrive?" Mr. Mendez stated then one of the officers said, "The fucking music stops now when we fucking tell you." (*Page 56, line 2487-2488*)

**Mr. Carmelo Mendez Statement and 316 Colorado Avenue Video Comparison:**

The video camera located on the outside driveway of the residence at 316 Colorado Avenue shows at 22:30:53 hours Officer Stanitis as he walks into the yard with Lieutenant Sapiro is observing other Officers apparently struggling to handcuff Mr. Mendez. (residential video 316 Colorado Avenue)

At 22:30:55 hours Officer Stanitis removes an item from his duty belt that appears to be in a placement consistent with where police officers commonly carry their flashlight. Officer Stanitis looks in the direction of Lieutenant Sapiro momentarily, Lieutenant Sapiro at the time was looking in the opposite direction of Officers struggling to handcuff Mr. Mendez. Officer Stanitis positioned himself in the group of Officers near Mr. Mendez's head. (residential video 316 Colorado Avenue)

At 22:30:56 Officer Bobby Hernandez appears to give Detective Fortes an item from the left side of his duty belt appeared to be an asp. Detective Fortes uses the asp to control Mr. Menendez and remove his hands from underneath his body which Detective Fortes described in his statement. Detective Fortes would days later complete a use of force report and an official report documenting his actions during the incident. (residential video 316 Colorado Avenue)

At 22:30:57 Sergeant Scillia with his right hand appears to punch to Mr. Mendez while he is on the ground, at this point in the video it appears Mr. Mendez is not yet handcuffed. (residential video 316 Colorado Avenue)

At 22:30:58 Sergeant Scillia appears to kick or stomp on Mr. Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to control Mr. Mendez

while he is on the ground. Sergeant Scillia maintains this position observing Officers during the entire handcuffing and arrest of Mr. Mendez to its conclusion. (residential video 316 Colorado Avenue)

At 22:31:01 hours a flash of light is seen directly under the torso of Officer Michael Stanitis consistent with the illumination of a flashlight now in his hand. (residential video 316 Colorado Avenue)

At 22:31:03 Officer Stanitis kneels between Officer Stephen Silva and Officer Bobby Hernandez and appears to rapidly move his right arm back and forth in a thrusting motion toward the head of Mr. Mendez. It appears Officer Stanitis is striking Mr. Mendez with an object. Although contact cannot be seen, the motioned combined with the statement of Mr. Mendez is consistent the use of an object. (residential video 316 Colorado Avenue)

At 22:31:06 Officer Stanitis stands up and briefly looks in the direction of Lieutenant Sapiro momentarily and again goes down in a kneeling posture between Officer Silva to his right and Officer Hernandez to his left. (residential video 316 Colorado Avenue)

At 22:31:07 Officer Stanitis rapidly move his right arm again several more times towards the head area of Mr. Mendez appearing to strike Mr. Mendez apparently striking him with an object, although contact cannot be seen. (residential video 316 Colorado Avenue)

At 22:31:09 Officer Stanitis stands and walks away for his kneeling position and replaces the item that appears to be his flash light onto his duty belt on the left side of his body with his left hand and appears to secure the item. (residential video 316 Colorado Avenue)

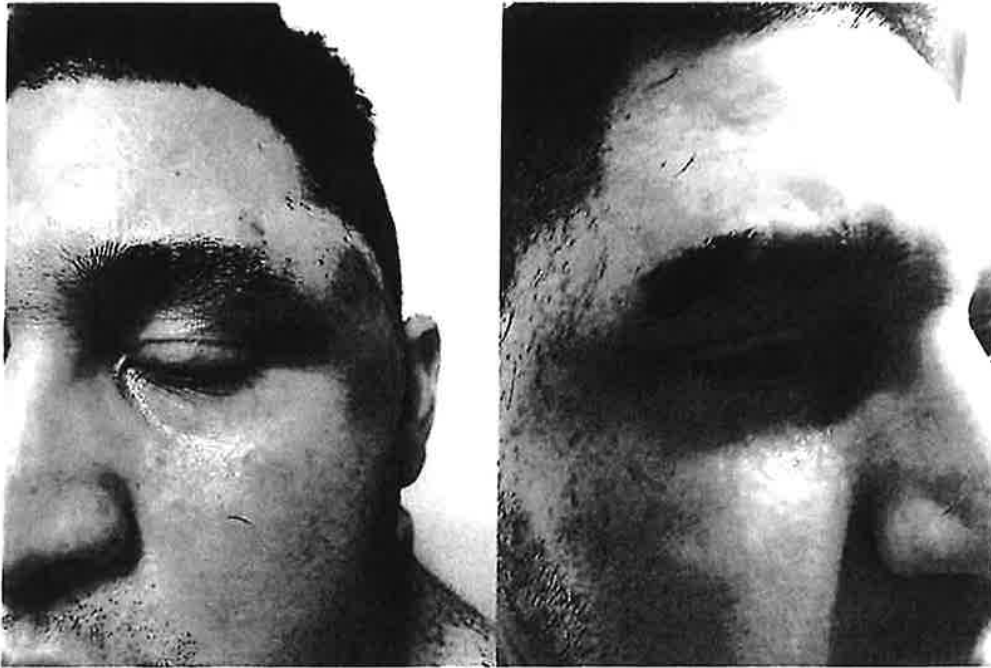
At 22:31:21 Officer Stanitis turns back towards the Officers struggling with Mr. Mendez and looks at his right hand then stretches his thumb out twice and rubs his right hand on his pant leg as if he has injured it. (residential video 316 Colorado Avenue)

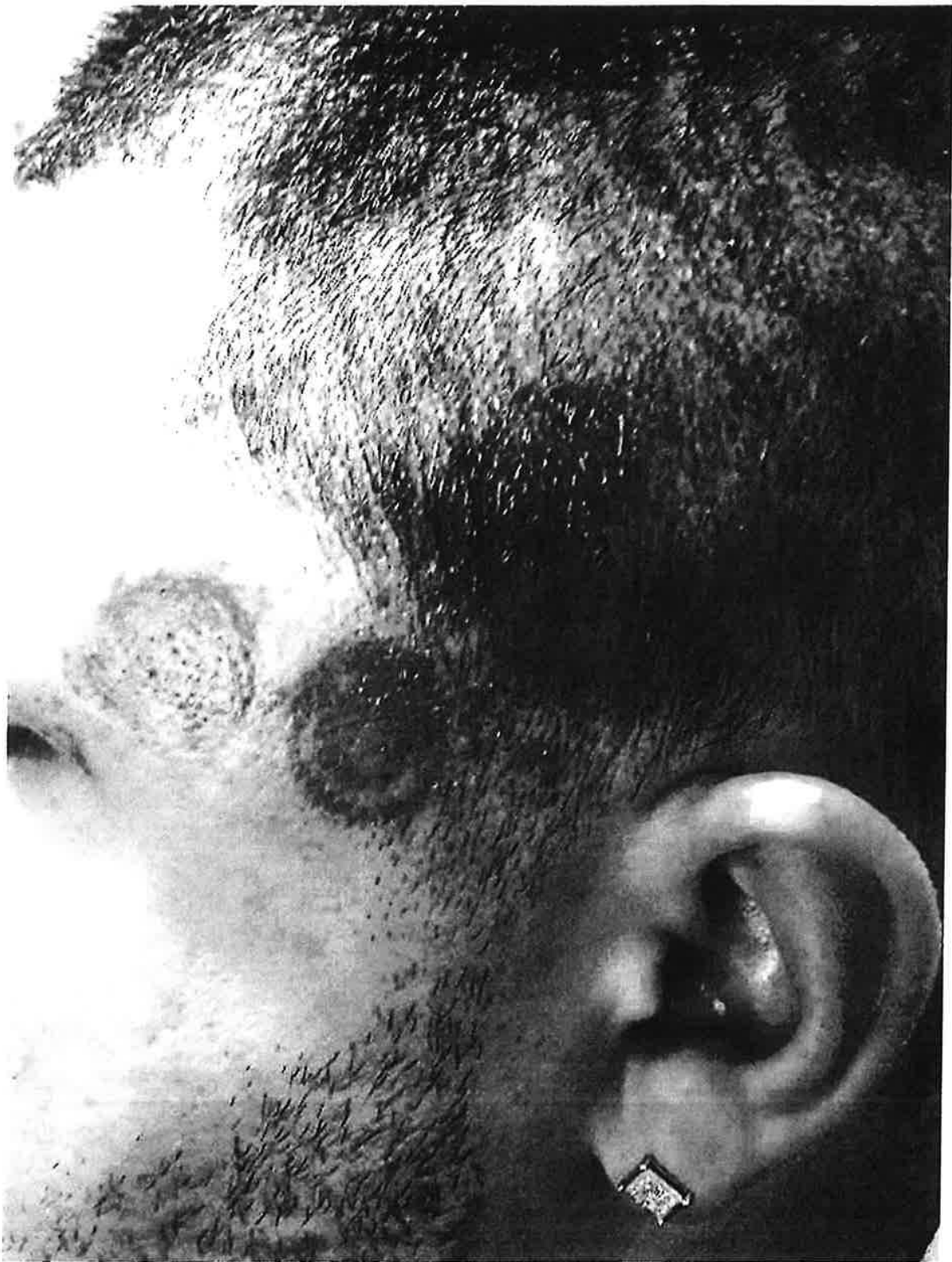
At 22:31:33 hours it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed lying on the ground. Sergeant Scillia then reaches down and grabs Mr. Mendez with both hands and picks Mr. Mendez up off the ground with the aid of Officer Szeps bringing Mr. Mendez to his feet. Sergeant Scillia is then seen pointing and appears to be giving direction to Officers who are still circled around Mr. Mendez. Mr. Mendez is then walked away in handcuffs by Officer Szeps and Officer Silva. (residential video 316 Colorado Avenue)



**Photographs of injuries sustained by Mr. Carmelo Mendez on 10/21/17 and of incident location, Colorado Avenue.**

Injurie photos taken on October 22, 2017 of Mr. Carmelo Mendez provided by Mr. Carmelo Mendez





Injurie photo taken on October 21, 2017 of Mr. Carmelo Mendez Booking video.



Injurie photo taken on October 21, 2017 of Mr. Carmelo Mendez Booking video after hospital treatment.



316 Colorado Avenue rear yard, Mr. Carmelo Mendez with cell phone in hand recording Officers resident camrea system.



316 Colorado Avenue curb side photo.



316 Colorado Avenue curb side photo.



**Allegation Mr. Peter Diaz Citizen Complaint:**

On October 24, 2017 complainant Peter Diaz completed a citizen complaint. Mr. Diaz wrote he took a "fist to the right-side" and was also kicked in his left leg which was injured already due to rods and screws which caused blood clots and [REDACTED] 4 - HIPAA Mr. Diaz stated he was booked for Breach of Peace and Interfering. Mr. Diaz stated, him getting punched in the face and repeatedly kicked in Booking should be on video.

On November 6, 2017, the undersigned Sergeant along with Sergeant John Burke conducted a taped interview of Mr. Peter Diaz. Mr. Diaz's stated the following among other things;

***Summary of Mr. Peter Diaz's statement he stated the following among other things:***

That on October 21, 2017 he arrived at 316 Colorado Avenue for a 11-year-old little girl's birthday party, but he was unsure what time he arrived, possibly a little before 8:00 pm. Mr. Diaz stated there were a lot of children at the party. Mr. Diaz stated he brought his wife with him, along with his daughter and they were all having a good time. Mr. Diaz stated he had a plate of food and after that they started drinking a little bit.

Mr. Diaz stated they were watching the kids run around when he noticed two officers coming up the driveway. He believes it was a female officer and a male officer that came up the driveway. As they were approaching the beginning of the driveway / the beginning of the gate to the backyard, before the officers said anything, his cousin (Fernando Morales) yells because the music is loud and tells the officers to please go to the front of the house. Mr. Diaz stated in the process of him telling the police go to the front of the house the police officers start yelling. Mr. Diaz stated his cousin (Fernando Morales) started yelling back. Mr. Diaz stated Fernando wanted the officers to go to the front yard and the officers wanted to enter the backyard.

Mr. Diaz, who was in a wheel chair at the time stated he wheeled himself in between his cousin and the officers to prevent anything from escalating because it was a little kid's party. He stated the male officer then started yelling at him, which in turn he yelled a profanity at him. Mr. Diaz stated, "I called him a bitch-ass nigger". (Page 2, line 63) Mr. Diaz stated while he called him that someone grabbed his chair and pulled him away. He assumed it was his wife, or someone pulled him away from the situation that was happening. Mr. Diaz stated if he was able to stand up he could have probably at least put his hands out and would have probably still got arrested for getting in the middle but at least he would have tried to prevent a situation. Mr. Diaz stated it just got out of hand really fast and someone pulled his chair back from between them.

Mr. Diaz stated he pulled his chair directly in between them just so that they would stay a distance from each other. Someone pulled his chair back and the next thing you know Fernando is on the floor and there is a cop walking through the yard saying, "We are taking him, taking him, taking him, taking him, oh, I'm a bitch-ass nigger, we are taking you, too." (Page 11, line 467-468)

Mr. Diaz stated he was pulled back towards the gate and began to light a cigarette and as he was lighting the cigarette the officer walks around the backyard and he starts pointing at people, saying "we are taking them, we are taking them, we are taking them, we are taking them." The officer then came over to him and said, "Oh, I'm a bitch-ass nigger, we are taking him, too." (Page 2, line 68-70)

Mr. Diaz stated as other officers arrived, they start telling the officer we cannot take him, he is in a wheelchair, but he insisted, "No, we are taking him. I'm a bitch-ass nigger, we are taking him." Mr. Diaz stated so they start pushing him towards the front of the house. Mr. Diaz stated when they got to the front



of the house, the officers, he recognized from Live PD, Officer (Mark) Blackwell and also the officer that was upset with him because he called him a "bitch-ass nigger" were arguing about why they cannot take him to jail. Mr. Diaz stated the other officers were insisting they could not take him, because he was in a wheelchair.

Mr. Diaz stated as the cop was walking from the backyard back towards the front he made his rounds. He went to the DJ, told him to lower the music, came back up and he starts looking at all the adults and looking everywhere and starts pointing out, we are taking him, we are taking him, we are taking him, and that is when he gets to him he said, "Oh, I'm a bitch-ass nigger," which Mr. Diaz claimed he has on video. *(Page 11, line 477-478)* Mr. Diaz failed to provide his video.

Mr. Diaz stated he did not know who the officer was, if he was the one in charge of the situation or if he was the Lieutenant, Captain or what he was, but the officer continued to say, "I do not care, I do not care. We are taking him." *(Page 2, line 88)* Mr. Diaz stated one of the officers but was not sure exactly which officer turned his chair and pushed him to the front of the house.

Mr. Diaz stated one of the officers at the car intentionally kicked his injured left leg prior to putting him in the back of the police vehicle near 316 Colorado Avenue. Mr. Diaz stated he then probably yelled at the cop and said somethings he should not have said but does not remember what he said because he was drinking and was drunk. Mr. Diaz stated the officer grabbed his chair and threw him over into the vehicle. Mr. Diaz stated they start tussling and throwing him into the backseat of the police vehicle. Mr. Diaz stated he was yelling because his leg, he could not turn his leg or move his leg certain ways and they were just strong arming him into the vehicle.

Mr. Diaz stated while this was happening he was yelling telling the officers this is on video. Mr. Diaz stated he did not personally have the video, but his wife had the video, which he could be heard yelling from backyard. (Mr. Diaz failed to provide alleged video). Mr. Diaz stated while lying in the back seat of the Police Car he heard the officers talking about how they were going to get his wheelchair to Booking. He then stated he heard the trunk open on the car. Soon thereafter he heard the trunk close, so he assumed his wheelchair was in the trunk. Mr. Diaz stated they then took him to Booking. Mr. Diaz stated he does not know what happened to his wheelchair.

Mr. Diaz stated when they arrived at Booking there was a big commotion going on in Booking because they arrested others from the party and they were bringing people in thru the Booking Door. He stated they put the people arrested into the bullpen, the big bullpen (holding cell) and brought him over to the podium (Booking Desk).

Mr. Diaz stated an officer started searching him, while talking a whole bunch of junk to him, so he started talking junk to him also because he was upset. Mr. Diaz stated "I'm foaming at the mouth. I'm completely upset about the whole situation that is going on". *(Page 3, line 97-99)* Mr. Diaz stated he turned to the officer and started cursing at him. Mr. Diaz stated suddenly, the officer punches him in the right side of his face. Mr. Diaz stated he fell, but then stated, there was an officer behind him who grabbed him by the back of the neck. Mr. Diaz stated when the officer grabbed him by the back of the neck the officers jumped on him and started hitting him and dragged him into the back bullpen (the male cells) and put him in one of the cells in the back. (Mr. Diaz failed to mention he spit in the officer's (Officer Thomas Lattanzio's) face prior to being punched in the face. This incident was captured from several different cameras within The Bridgeport Police Department Booking area.

Mr. Diaz stated approximately 20 minutes to a half hour later, maybe a little bit more, he was not sure of the time, an officer came over to him and asked him if he wanted medical attention. Mr. Diaz stated he said, "Yes. I do need medical attention." *(Page 3, line 107-108)* Mr. Diaz stated his leg was throbbing

because he received several kicks to his leg, which he had surgery on not too long ago, maybe two months prior to this.

Mr. Diaz stated he got to the hospital to get treatment. Mr. Diaz stated he refused treatment because he was handcuffed to a bed, no longer wanted to be handcuffed to a bed, and knew he posted bond so he refused treatment just to make it back to Booking.

Mr. Diaz stated the officers, the next day were nice to him because they understood his situation. Mr.

Diaz stated they brought him back to Booking, no handcuffs and everything was fine. They let him limp his way back into Booking. Mr. Diaz stated they borrowed a walker from the hospital, which they brought him back with. Mr. Diaz stated the officers did what they had to do, and they released him.

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Mr. Diaz stated he is not exactly sure what they meant by that, but he is assuming it was from being kicked. (Mr. Diaz failed to provide hospital records).

Mr. Diaz stated he was consuming alcoholic beverages that evening. Mr. Diaz stated he was drinking Remy (Remy Martin). Mr. Diaz stated between all of them, they drank two pints and then brought out a gallon which they did not get to drink. Mr. Diaz stated they were planning on drinking it, but then all the commotion happened. Mr. Diaz stated he himself drank about six to ten straight shot glasses of Remy about the size of a medicine cup.

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Mr. Diaz stated during the party, the music was loud, but not excessive to the point the police had to come in the manner they did. Mr. Diaz stated if the police would have knocked at the front door, he is almost 99% sure that they would have got a response at the front door and if the police would have just been calm about the whole situation and had the homeowners come to the front of the house it would have turned out a whole lot different. Mr. Diaz stated being that the police blatantly had no respect for anybody there or the homeowners by just coming in the backyard yelling. These officers seemed like they were having a really bad day.

Mr. Diaz stated the officers came back there and said, "the music, lower the music" and started yelling coming through the yard. Mr. Diaz stated his cousin being the homeowner nicely, the first time, told the officers "excuse me, can you please do me a favor, go to the front of the yard you do not have a warrant and I will meet you there." (Page 7, line 306-308) Mr. Diaz stated the female officer just started yelling and the male officer joined right in. Mr. Diaz stated as soon as the female officer got excited the male officer got excited and then next thing you know the yard was full of officers.

Mr. Diaz stated the officers behavior was, "we're cops, and we are going to do what we want, like they normally feel like because they have a badge, and they have authority." (Page 7, line 308-310) Mr. Diaz stated he does not know what goes on in the officer's heads, but he happens to know some officers and they are wonderful people. He does not know what happened this night.

Mr. Diaz stated on that night he was a defenseless person in a wheelchair and got charged with assault two or three times on a Police Officer, for what? He stated, he understands breach of peace or interfering with Officers because he rolled his chair in front of an argument that they were having.

Mr. Diaz described the female officer as a Black female, light skin with dreadlocks. Mr. Diaz stated he

could not describe the male cop because there were too many of them. Mr. Diaz stated there was a DJ at the party playing music and the officers said there was a call of loud music from someone.

Mr. Diaz stated he could not remember everything that happened that night. Mr. Diaz was asked if the reason he could not remember was because he was intoxicated? Mr. Diaz responded, not totally because he was intoxicated, but yes, it was to the point where he woke up the next day and remembered some stuff and not everything. Mr. Diaz was asked, why did he think he could not remember, was it the alcohol or was it something else? Mr. Diaz responded, he has short-term memory loss but, he did not think that would be the reason, it could have been the alcohol. Mr. Diaz was asked if he suffered from a blackout that night or if he passed out? Mr. Diaz responded, "No."

Mr. Diaz was asked if he saw when Fernando Morales was being placed under arrest and he stated "no, he did not see exactly when they placed him under arrest. He did see the video where the police had him on the floor handcuffing him." Mr. Diaz stated he has seen a few videos from this night. Mr. Diaz stated he would figure a way to get them to the Office of Internal Affairs. He stated he knows his wife has two or three videos, but he is not sure. He stated he has seen a couple videos on her phone. They were from a friend of hers who was at the party who also has video. Mr. Diaz did not provide the alleged videos.

Mr. Diaz was asked if at some point, a female officer came next to him talking to someone and did he tugged her pants or touched her trying to get her attention? Mr. Diaz stated he did not recall that.

Mr. Diaz was asked if he remembered seeing a female from the party or anyone throw water at an officer and he stated "no, the only other thing he could remember was as he was leaving the backyard, he remembered he ended up getting wet." He did not remember what it was from, but, ended up getting wet as they wheeled him out towards the front of the house. Mr. Diaz stated he remembered he got wet on the side of his face in the backyard by the gate.

Mr. Diaz stated when they arrived to Booking, from what he could remember, he might have been cuffed, the officer took him out the car and they dragged him by both of his arms and they dragged him up the stairs in booking and brought him to the podium (Booking Desk) there.

**Mr. Peter Diaz Statement and Booking Incident Video Comparison:**

At 22:41:44 hours Officer Daniel Faroni with the aid of an assisting Officer from the Stratford Police Department remove Mr. Peter Diaz from Officer Faroni's patrol vehicle and drag Mr. Diaz up the booking driveway. They continued to drag Mr. Diaz on the booking ramp sidewalk to the entry door of the booking area. Note: Mr. Peter Diaz at this time would have needed his wheel chair, which was left at the scene after falling out of Officer Faroni's trunk. (Sally Port Ramp camera, Department recordings)

At 22:49:05 hours Officer Daniel Faroni is processing Mr. Diaz at the booking desk. Next to Mr. Diaz is Officer Thomas Lattanzio who is processing Mr. Jose Alvarado. Officer Lattanzio and Mr. Diaz are having words with each other and Officer Lattanzio pushes Mr. Diaz for getting to close to him. Mr. Diaz was handcuffed and standing with an injured leg when he was pushed. (Booking desk side camera, Department recordings)

At 22:52:47 hours Officer Lattanzio and Mr. Diaz are having words again with each other and Officer Lattanzio pushes Mr. Diaz a second time for getting to close to him. Mr. Diaz is handcuffed and standing with an injured leg when pushed. Officer Daniel Faroni continues to process Mr. Diaz. (Booking desk side camera, Department recordings)

At 22:52:52 hours Officer Lattanzio and Mr. Diaz continue to have words with each other and Officer Lattanzio pushes Mr. Diaz a third time for getting to close to him. Mr. Diaz is handcuffed and standing with and injured leg and Officer Daniel Faroni continues to process him. (Booking desk side camera, Department recordings)

At 22:53:04 hours Officer Lattanzio and Mr. Diaz are having words with each other as Officer Daniel Faroni continues to process Mr. Diaz, and Mr. Diaz spits in the face of Officer Lattanzio. Officer Lattanzio punches Mr. Diaz in the face, Mr. Diaz is handcuffed and standing with and injured leg when he is punched. Mr. Diaz falls to the ground un aided and is later placed in holding cell number seven. (Booking desk side and money counter camera, Department recordings)

At 23:53:40 hours Detention Officer Jose Figueroa attempts to secure Mr. Diaz with ankle shackles while in the medical wheel chair. According to Detention Figueroa, Mr. Diaz makes a negative statement about the wife of Detention Officer Jose Figueroa. Officer Figueroa becomes angry and pokes Mr. Diaz in the chest with his right index finger and tells him to "shut the fuck up." (Page 8, line 340-356), (PD3-7 Male 7, Male 6 camera, Department recordings)

At 23:53:46 hours Sergeant Paul Scillia hearing and seeing the negative exchange between Detention Officer Jose Figueroa and Mr. Diaz reaches down and grabs a secondary restraint belt attached to the medical wheel chair, Mr. Diaz is already secured in. Sergeant Scillia after grabbing the loose restraint fastens the belt and with two hand pulls the belt strap tight in an upward motion striking Mr. Diaz in the face with his hands while firmly holding onto the restraint belt. Officer Mario Pecirep and AMR medics 5 - Sec. 1-210(b)(3)A and 5 - Sec. 1-210(b)(3)A are present. (PD3-7 Male 7, Male 6 camera, Department recordings)

**Photographs of incident and incident location with Mr. Peter Diaz on 10/21/17 at the Booking desk and cell #7 in the Bridgeport Police Department's, Booking**

Photo of Officer Daniel Faroni with Mr. Peter Diaz in wheel chair leaving 316 Colorado Avenue.



Photo of Officer Daniel Faroni with Mr. Peter Diaz in wheel chair going to patrol car.



Photo of Officer Daniel Faroni dragging Mr. Peter Diaz up the booking ramp from patrol car.



Photo of Officer Daniel Faroni dragging Mr. Peter Diaz up booking sidewalk area.

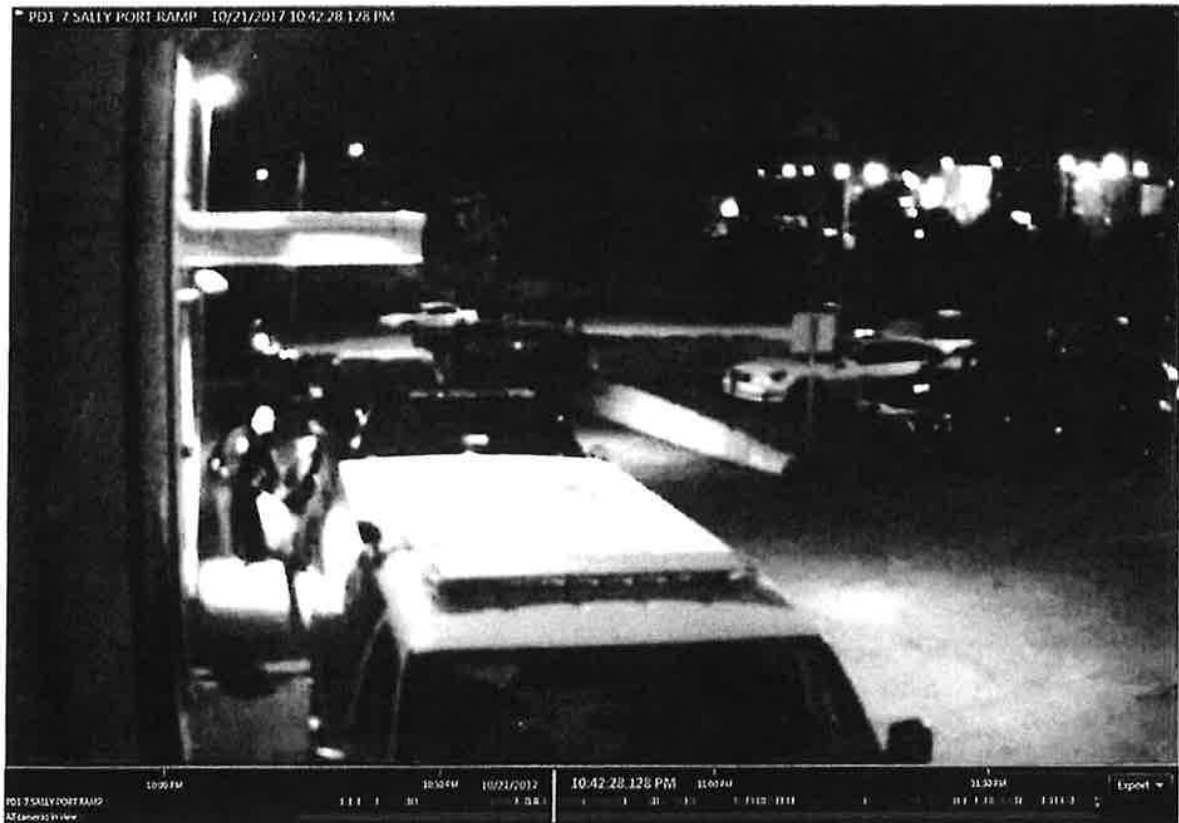


Photo of Officer Daniel Faroni dragging Mr. Peter Diaz into the sally port area.

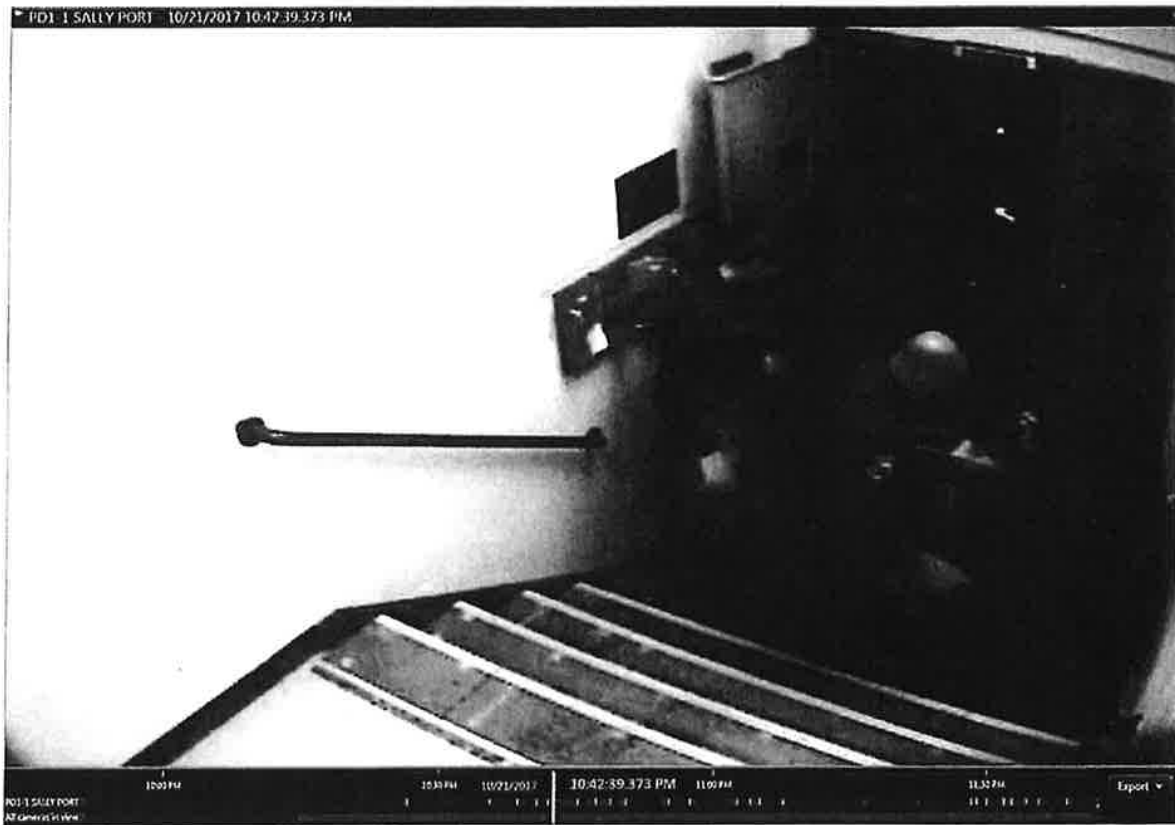




Photo of Officer Daniel Faroni with Mr. Peter Diaz into the sally port area.



Photo of Officer Thomas Lanttonzio punching Mr. Peter Diaz in booking.

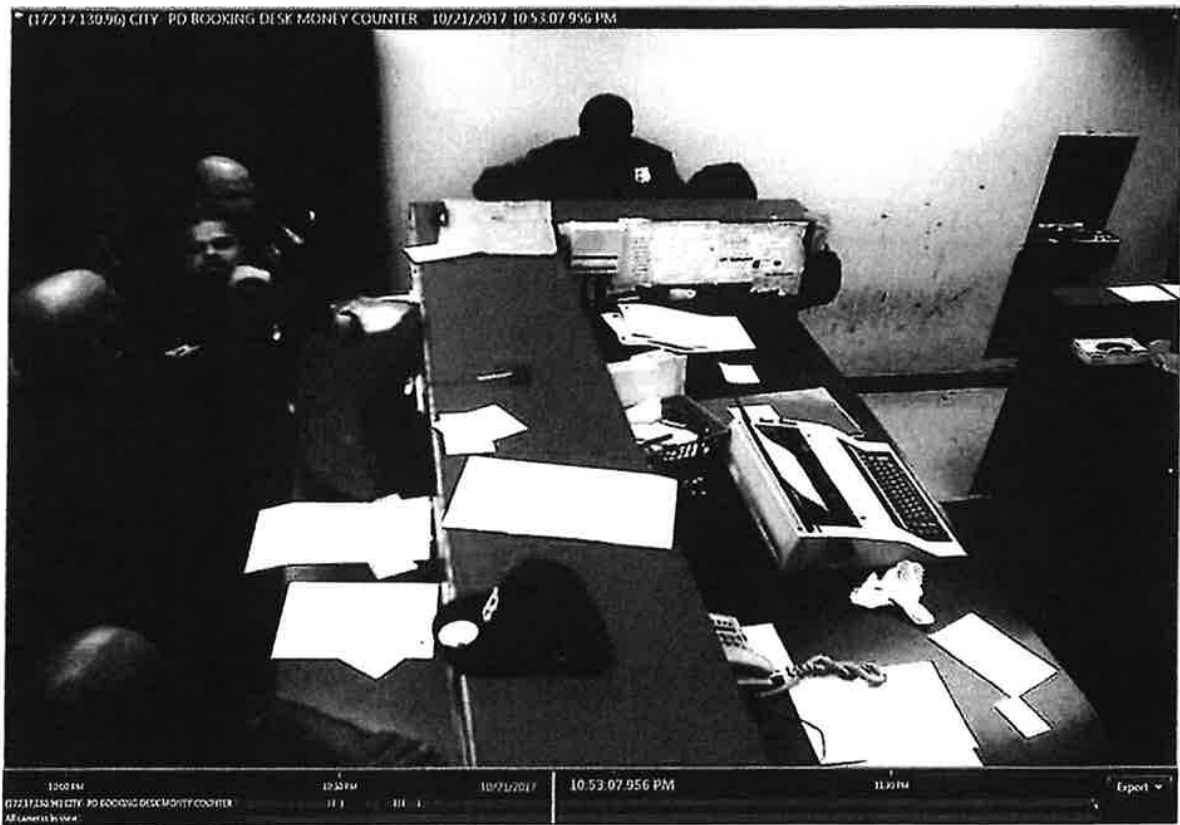


Photo of Civilian Detention Officer Jose Figueroa poking Mr. Peter Diaz on the chest in front of male cell 7.

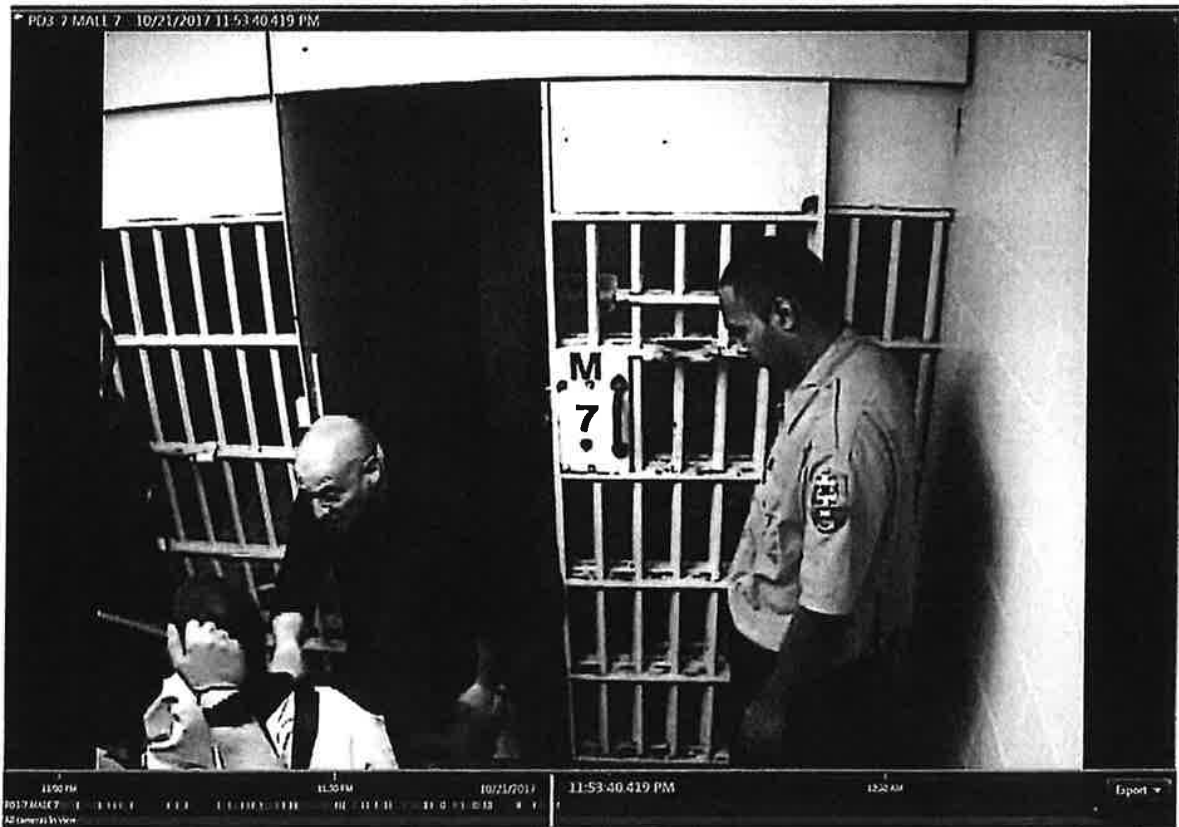


Photo of Sergeant Paul Scillia hitting Mr. Peter Diaz in the face in front of male cell 7.

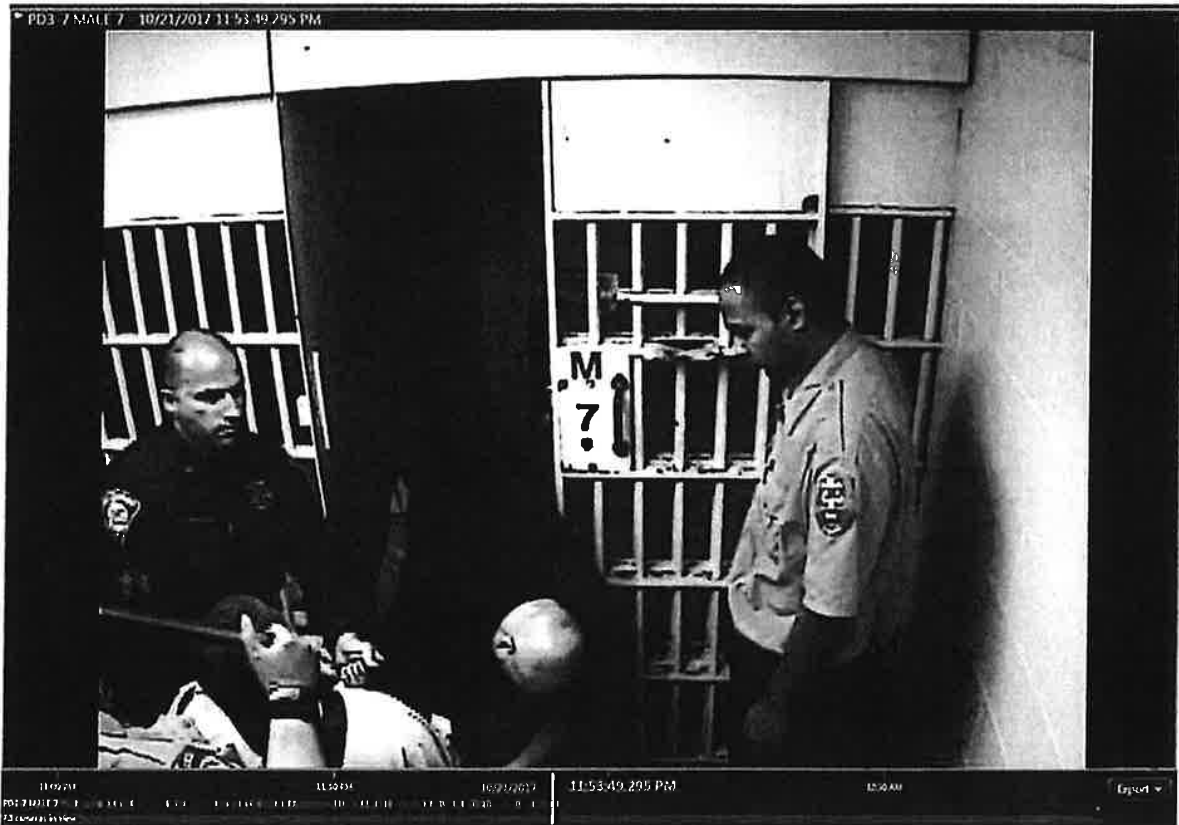


Photo of Sergeant Paul Scillia making contact with the injured leg of Mr. Peter Diaz in front of male cell 7.

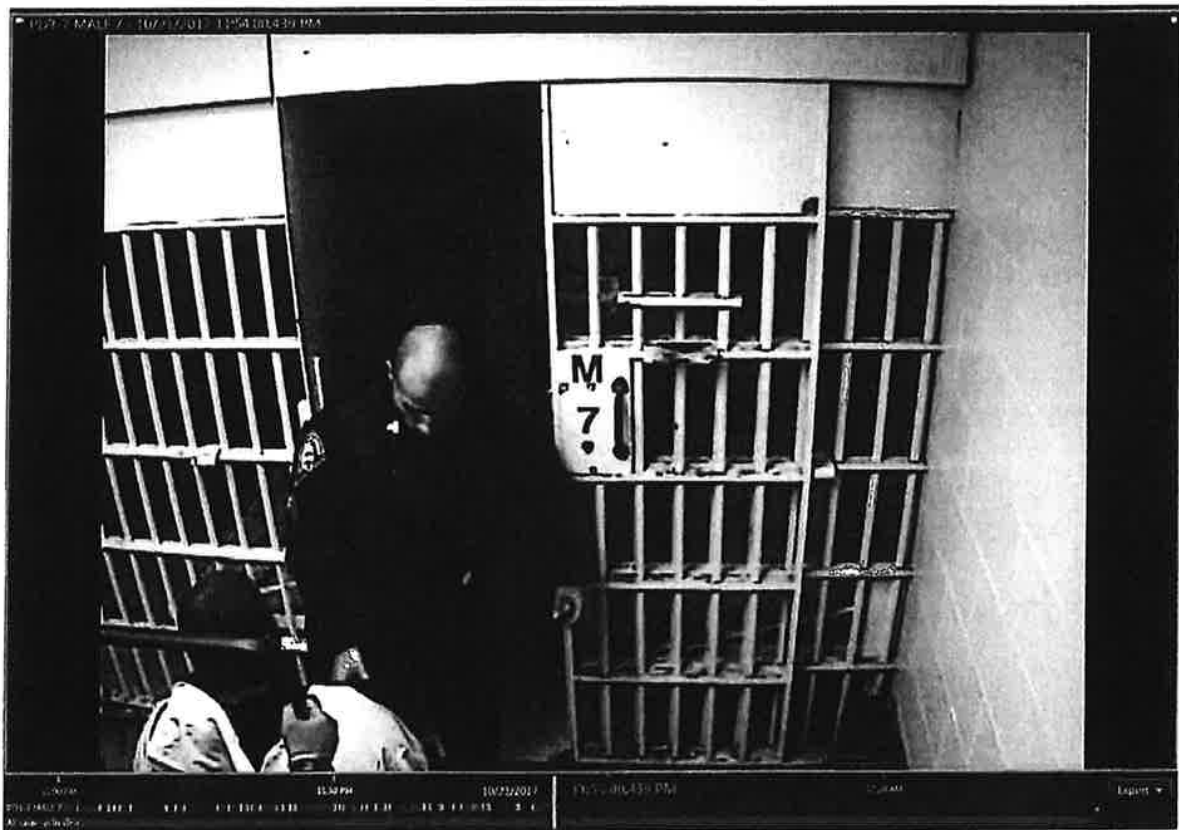


Photo of Male Cell Area Cell number 7.

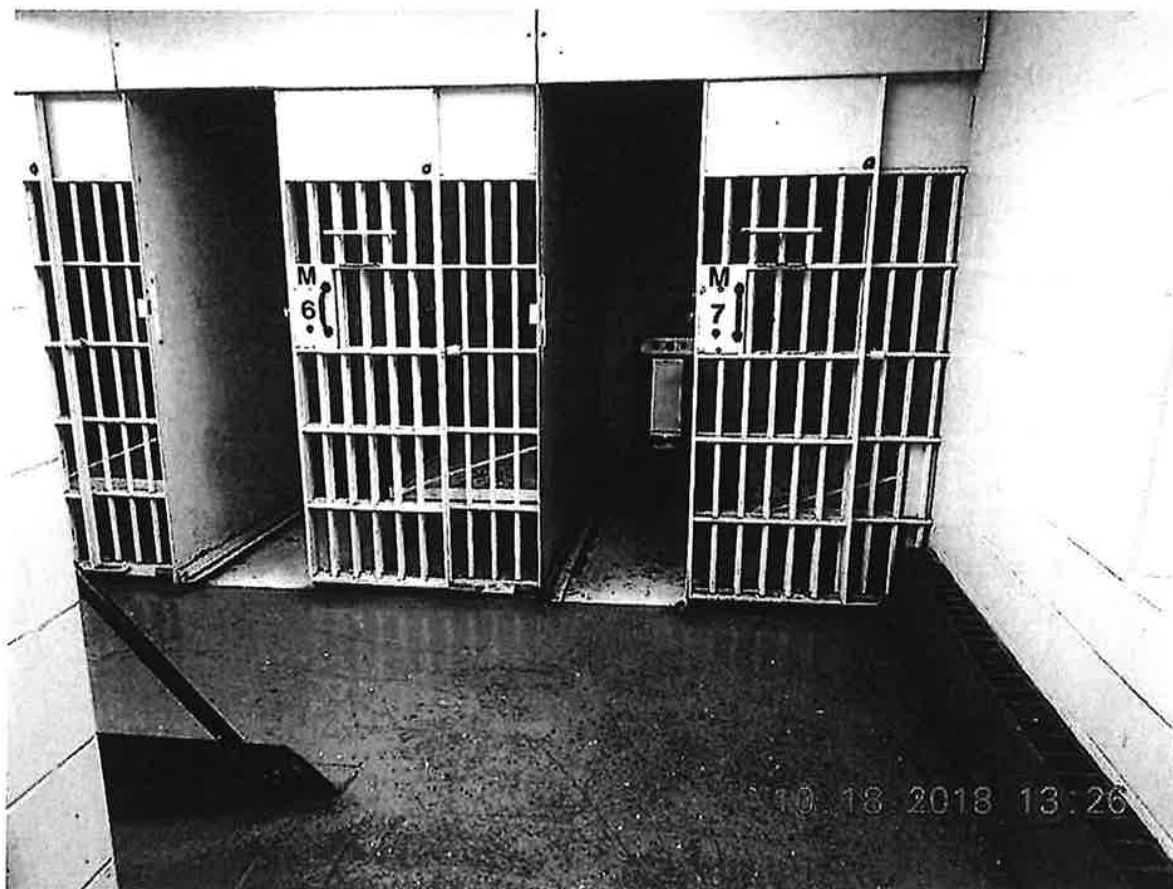


Photo of Male Cell Area Cell number 7, ramp and walkway.

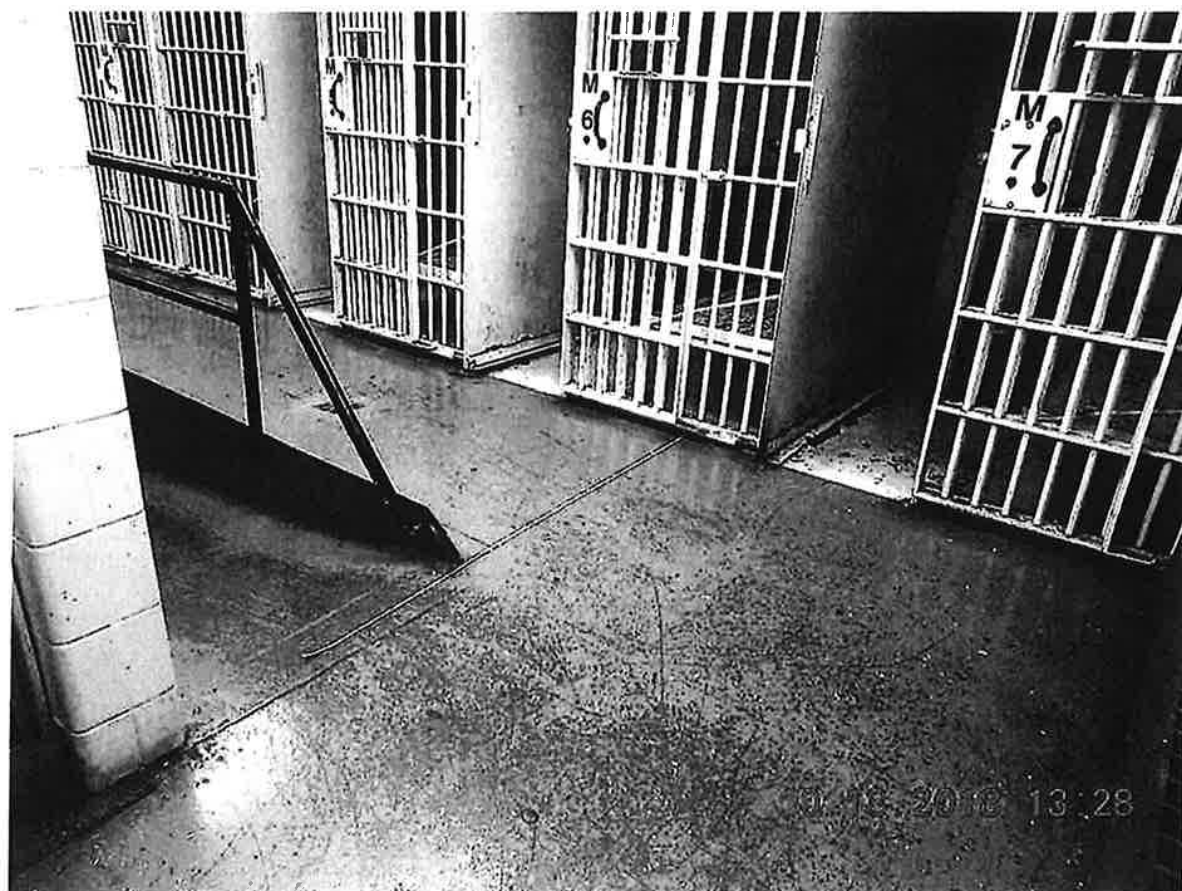


Photo of Male Cell Area Cell number 7 from walkway.





Male Cell Area Cell number 7, 55 inches (4 feet 7 inches) from cell door to railing of walkway and ramp.



**Findings:** The following are found to be in violation of the Bridgeport Police Departments Policy and Procedures / Rules and regulations among other charges;

**Sergeant Paul Scillia / Excessive Force / Sustained / Referred to the Board of Police Commissioners**  
**Sergeant Paul Scillia / Truthfulness / Sustained / Referred to the Board of Police Commissioners**  
**Sergeant Paul Scillia / Failure to Supervise / Sustained / Referred to the Board of Police Commissioners**

**Officer Michael Stanitis / Excessive Force / Sustained / Referred to the Board of Police Commissioners**  
**Officer Michael Stanitis / Truthfulness / Sustained / Referred to the Board of Police Officer Commissioners**

**Officer Thomas Lattanzio / Excessive Force / Separated from Service**  
**Officer Thomas Lattanzio / Truthfulness / Separated from Service**

**Officer Daniel Faroni / Excessive Force / Sustained / Referred to the Board of Police Commissioners**  
**Officer Daniel Faroni / Failure to Protect Property / Sustained / Referred to the Board of Police Commissioners**

**Officer Joseph Cruz / Excessive Force / Sustained / Referred to the Board of Police Commissioners**  
**Officer Joseph Cruz / Truthfulness / Sustained / Referred to the Board of Police Commissioners**

**Officer Adam Szeps / Truthfulness / Sustained / Referred to the Board of Police Commissioners**  
**Officer Adam Szeps / Medical Attention / Sustained / Referred to the Board of Police Commissioners**

**Detective Kenneth Fortes / Truthfulness / Sustained / Referred to the Board of Police Commissioners**  
**Detective Kenneth Fortes / Inaccurate Reporting / Sustained / Referred to the Board of Police Commissioners**

**Lieutenant Robert Sapiro / Failure to Supervise / Sustained / Referred to the Board of Police Commissioners**

**Sergeant Mark Belinkie / Failure to Supervise / Sustained / Referred to the Board of Police Commissioners**  
**Sergeant Mark Belinkie / Medical Attention / Sustained / Referred to the Board of Police Commissioners**

**Civilian Detention Officer Jose Figueroa / Excessive Force / Sustained / Referred to the Board of Police Commissioners**

**Officer Douglas Bepko / Truthfulness / Sustained / Referred to the Board of Police Commissioners**

**Officer Todd Sherback / Public Contact / Sustained / Referred to the Board of Police Commissioners**

**Officer Joseph Pires / Truthfulness / Sustained / Referred to the Board of Police Commissioners**  
**Officer Joseph Pires / Inaccurate Reporting / Sustained / Referred to the Board of Police Commissioners**

**Officer Matthew Johnson / Dept. Reports & Officers Correspondence / Referred to the Board of Police Commissioners**

**Officer Linet Castillo / Truthfulness / Sustained / Referred to the Board of Police Commissioners**

**Civilian Detention Officer Paul Humphrey / Public Contact / Sustained / Referred to the Board of Police Commissioners**

**Officer Natalie McLaughlin / Truthfulness & Department Reports / Referred to the Board of Police Commissioners**

**Officer Michael Mazzacco / Racial Slur / Sustained / Referred to the Board of Police Commissioners**

**Officer Steven Silva // Medical Attention / Sustained / Referred to the Board of Police Commissioners**

## **Investigative Referrals**

On October 23, 2017, Chief Armando Perez requested both a criminal and an internal/administrative investigation be conducted concerning the actions of Sergeant Paul Scillia and Officer Thomas Lattanzio in the holding facility on the night of Saturday, October 21, 2017.

This investigator forwarded all relevant video footage obtained by the Office of Internal Affairs, for review for possible CT Statute violation(s) should the criteria of probable cause be established.

On October 25, 2017 documentation was sent to Chief Armando Perez, Chief's Office.

On November 29, 2017 documentation was sent to Captain Roderick Porter, Detective Bureau.

On January 30, 2018 documentation was sent to Lieutenant Christopher Lamaine, Detective Bureau.

This investigator forwarded all relevant video footage obtained by the Office of Internal Affairs, for review to the City Attorney's Office should the criteria of exculpatory evidence be established.

*1 - Attorney/Client*

## **Introduction:**

On Saturday October 21, 2017 at approximately 2220 hours Officer Natalie McLaughlin was dispatched to the area of State Street and Colorado Avenue to investigate a noise complaint. The call was confirmed on Emergency Communications Center Incident Summary and Emergency Communications Center Tapes. Officer McLaughlin was assigned this call thru CAD under file # 171021-297 and documented the following:

The Bridgeport Police Department Incident report was written and signed by Officer Natalie McLaughlin. This incident police report was dated 10/21/17 and documented Officer McLaughlin's account of the incident and the arrests while on scene at 316 Colorado Avenue on 10/21/17.

Officer McLaughlin documented she was dispatched to the area of State Street/Colorado Avenue for a noise complaint. CAD informed Officer McLaughlin that the caller stated the noise could be coming from the area of Fairfield Avenue/Colorado Avenue. Officer McLaughlin patrolled the area of Fairfield Avenue/Colorado Avenue and determined this area was clear at this time.

Officer McLaughlin then patrolled the area of 316 Colorado Avenue where she observed a Halloween party taking place and heard loud music coming from the back-yard area of this address. Officer McLaughlin and cover car Blue 14 Officer Bobby Hernandez exited their marked patrol vehicles and attempted to make contact with the owners of the home.

Immediately Officers were greeted by multiple people who insisted on telling Officers that the party is not that loud and that they should be concerned with the house down the Street since they host parties with loud music until 4 a.m. regularly.

Officer McLaughlin then asked to speak with the owner of the home again when a Hispanic female dressed in a wonder woman costume later identified as Mendez, Wanda (S1), said it was her home. Mendez stated that this is the first time she has hosted a party at her residence and cannot understand why Police were being called to shut it down. Mendez went on to say that Officers need to leave her property since no crime (Noise Ordinance Violation) was being committed.

Officer McLaughlin documented, a Hispanic male dressed in a superman costume later identified as Morales, Fernando (S2), came forward and stated that this was his home and Officers needed to "get the fuck off his property". Officer McLaughlin smelled an alcoholic beverage emanating from Morales breath. Multiple people from the crowd including Mendez attempted to hold Morales back since he was being very aggressive and attempting to get in Officers faces. Morales then attempted to point his finger in Officer Hernandez face, but he was prevented by parties restraining him. At this point Officer McLaughlin got on her radio and called for more cover units.

A few minutes later cover car Blue 12 Officer Michael Mazzacco arrived on scene to assist with the growing aggressive crowd. Officer McLaughlin documented as she attempted to separate Mendez to speak with her privately about the noise, Officer McLaughlin noticed a Hispanic male in a wheel chair later identified as Diaz, Peter (S3), tugging on her right pant leg located on her duty weapon side. She gave Diaz several verbal commands to back off, but he continued to pull on her pant leg stating he does not have to move because he is doing nothing wrong.

Officer McLaughlin documented she heard Morales threaten Officer Mazzacco and state " fuck you, you bitch ass nigga, I will fuck you and your family up" she also observed Morales run up to Officer Mazzacco in an aggressive manner but was blocked by parties in the crowd who begged Morales to calm

down. Morales was then advised he was under arrest where he continued to shout profanities at Officers stating, " I'm not going anywhere".

Officer McLaughlin documented Officer Mazzacco got on his radio and called a 10-32 (Officer needs help).

- The undersigned Sergeant reviewed the Bridgeport Police Incident Report 20171021297 report and observed that UB-1 Officer Sherback requested more cover units via police radio, channel 1, dispatch notified Fairfield Police and they informed dispatch they would respond to assist. VCI Sergeant Scillia then requested K-9 units via police radio, channel 1, and dispatch advised Trumbull Police K-9 unit and Fairfield Police K-9 units were responding. (At this point most Officers on the shift responded to 316 Colorado Avenue to include mutual aid from the town of Fairfield Police and Stratford Police Departments.)

Officer McLaughlin documented observing Mendez blocking Officer Mazzacco in attempts from arresting Morales. Officer McLaughlin observed Mendez push Officer Mazzacco in the chest and state "fuck you get the fuck off my property". Mendez was placed under arrest where she actively resisted. Mendez was placed in handcuffs (double locked) by cover car Blue 13 Officer Stravos Mirtsopoulos. Mendez was later transported to booking by a marked patrol vehicle.

Morales continued to shout profanities at Officers stating no one was going to remove him from his property. Officer McLaughlin advised Cover car UB1 Officer Todd Sherback that Morales was under arrest and asked for assistance with his apprehension. Officer McLaughlin observed Morales bump Officer Sherback and walk past him as he continued to shout, "get the fuck off my property", at Officers.

Officer McLaughlin documented she unholstered her taser (electric control device) and pointed it at Morales' chest area and gave Morales multiple commands to get on the ground or he would be tased. After multiple verbal commands Morales eventually complied with her commands where Morales was then handcuffed (double locked) and placed under arrest by Officer Sherback.

Officer McLaughlin documented she observed cover car Post 8 Officer Mark Blackwell run up the back-porch steps to place a Hispanic female later identified as Deida, Sara (S4), in handcuffs who later was found to have thrown water on Officer Blackwell. Deida was actively resisting Officers stating, "I speak no English". Officer McLaughlin eventually gained control of Deida's hands and placed her under arrest where she was handcuffed (double locked). Deida was escorted to a marked patrol vehicle and transported to booking.

Officer McLaughlin documented she observed a Hispanic male later identified as Mendez, Carmelo (S5), pull away from cover car Amber 21 Officer Hugo Stern when Officer Stern attempted to guide Carmelo off the property by placing his hand on his shoulder since Carmelo refused to leave the property stating, " fuck you I'm not going anywhere". Carmelo was then guided by cover car Blue 15 Officer Adam Szeps to the ground where he attempted to place Carmelo in handcuffs. Officer McLaughlin documented she heard Officer Szeps yell "gun" where she assisted him by holding down Carmelo's legs since he was still actively resisting arrest.

Officer McLaughlin documented due to the chaotic and hostile scene, multiple parties were arrested and transported to booking. Refer to Officer Mazzacco, Mirtsopolous, Hernandez, Szeps, Sherback, Cruz, Silva, Castillo, Stern, Blackwell and Johnson's addendums for further information.

Note: Diaz complained of pain from facial injuries caused on scene. There were no visible marks on Diaz' face

4 - HIPAA

4 - HIPAA

Carmelo sustained facial injuries

4 - HIPAA

4 - HIPAA

Carmelo also passed out in the holding cell

4 - HIPAA

Based on the video captured in Booking, Mr. Carmelo Mendez was handcuffed when he passed out.)

2 - CGS Sec. 29-28(d)

2 - CGS Sec. 29-28(d)

\_\_\_\_\_ were also placed into evidence under receipt # 17m-1391. A box cutter was also recovered from Davila which was also placed into evidence under receipt # 17m-1390.

The suspects were charged with the following:

Mendez, Wanda (S1)

53A-167c Assault on A Police Officer (CTS)

53a-167a Interfering W/A Police Officer

53a-181 Breach of Peace

53a-170 Inciting A Riot

BOND SET AT \$25,000

Morales, Fernando (S2)

53A-167c Assault on A Police Officer

53a-167a Interfering W/A Police Officer

53a-181 Breach of Peace

53a-170 Inciting A Riot

BOND SET AT \$25,000

Diaz, Peter (S3)

53A-167c Assault on A Police Officer

53a-181 Breach of Peace

53a-62 Threatening 2nd

BOND SET AT \$25,000

Deida, Sara (S4)

53a-167a Interfering W/A Police Officer

53a-167c Assault on A Police Officer

53a-181 Breach of Peace

BOND SET AT \$10,000

Mendez, Carmelo (S5)

53a-167a Interfering W/A Police Officer

53a-181 Breach of Peace

BOND SET AT \$5,000

Alvarado, Jose (S6)

53a-167a Interfering W/A Police Officer

53a-181 Breach of Peace

BOND SET AT \$5,000

**Davila, Ramon (S7)**  
**53a-167a Interfering W/A Police Officer**  
**53-206(a) Carrying Dangerous Weapons**  
**53a-181 Breach of Peace**  
**BOND SET AT \$5,000**

All bonds were set by blue sector Sergeant I. Delgado. Sergeant Delgado signed off on paperwork.

This initial noise complaint led to the subsequent arrest of Mr. Carmelo Mendez, Mr. Peter Diaz, Mr. Fernando Morales, Mrs. Wanda Mendez, Mrs. Sara Deida, Mr. Ramon Davila, Mr. Jose Alvarado and Mr. Jose Rosario. Multiple recordings of video footage surfaced which resulted in concerns over allegations of misconduct relative to physical force used by Sergeant Paul Scillia, Officer Michael Stanitis, Officer Thomas Lattanzio and Officer Joseph Cruz.

## I. Tactical Analysis:

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Natalie McLaughlin found herself on October 21, 2017 ultimately developed into a chaotic scene. The scene reconstruction has proven challenging due to the inability to obtain access to the scene without the cooperation of the home owners and the Unusual Occurrences which was reported on the same night to the Office of Internal Affairs.

During this incident on Colorado Avenue on October 21, 2017, the entire C-shift and some of the A-shift officers responded. It was found during the course of this investigation approximately (46) forty-six officers responded to the scene.

Approximately 54 officers were later interviewed, and it was found throughout this investigation, to include video footage captured and officer's statements obtained, officers were found to have used some type of force during this incident which will be discussed in the following narrative.

The following used physical force:

Officer Adam Szeps-Carmelo Mendez-Use of Force completed  
Officer Natalie McLaughlin-Fernando Morales-Use of Force completed  
Officer Mark Blackwell  
Officer Matthew Johnson  
Officer Todd Sherback  
Officer Stavros Mirtsopoulos-Wanda Mendez-Use of Force completed  
Officer Daniel Faroni-Peter Diaz-Use of Force completed  
Officer Michael Mazzacco  
Officer Joseph Pires-Jose Rosario, Fernando Morales-Use of Force completed  
Officer Michael Stanitis-Fernando Morales--Use of Force completed  
Detective Kenneth Fortes-Carmelo Mendez-Use of Force completed (report received on 11/03/17)  
Officer Linet Castillo-Fernando Morales-Use of Force completed  
Officer Bobby Hernandez-Carmelo Mendez-Use of Force completed

The following appeared to have engaged in the use of Excessive physical force:

Sergeant Paul Scillia-Carmelo Mendez, Peter Diaz-No use of force completed  
Officer Michael Stanitis-Carmelo Mendez—**NO** Use of Force completed  
Officer Joseph Cruz-Ramon Davila-Use of Force completed  
Officer Thomas Lattanzio-Jose Alvarado, Peter Diaz-Use of Force completed  
Officer Daniel Faroni-Peter Diaz-Use of Force completed  
Detention Officer Jose Figueroa-Peter Diaz-No use of force

Consequently, Officers depicted above engaged with multiple civilians labeling this Noise complaint / Breach of Peace / Interfering with an Officer incident as a chaotic scene.

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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. In this case a determination relative to Noise complaint / Breach of Peace / Interfering with an Officer and Assault on a Police Officer.



A determination must also be made as to whether the force used complied with the requirements of *Graham v. Connor* as to be objectively reasonable. First, how serious was the offense that the officer suspected at the time the officer used force? Officers statements indicate a 10-32 (Officer needs assistance) was called and the scene was chaotic with non-cooperating civilians which resulted in multiple arrests. The original offense was a noise complaint related and subsequently compliance related charges.

Second, did the suspects pose a threat to the officers or any other persons present. Officers offer that the suspects were resisting and non-compliant. Subsequent to this incident on October 21, 2017 Officers: reported a chaotic scene which would on its face tend to support the threat to officer's safety due to the alleged chaotic scene. However, this investigator is unable to determine based on the prevailing information as to whether this circumstance would have occurred absent the reported signal 10-32 (Officer needs assistance) by Officer Mazzacco.

Third, was the suspects actively resisting or attempting to evade arrest by their non-cooperation. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspects, Fernando Morales, Wanda Mendez, Peter Diaz, Sara Deida, Ramon Davila, Jose Alvarado and Jose Rosario actions are in fact consistent with actively resisting. Officers explained they attempted to first have the suspects turn down the music and when that was not working they moved to shutting down the party and having them disperse. In a thorough review and examination, it appeared during the captured incident that Officers McLaughlin and B. Hernandez, although there is no sound, attempted to verbally calm down Wanda Mendez and Fernando Morales who appeared to aggressively verbally engaged with officers. Mr. Morales squared off against officers by aggressively taking a fighting stance. Mr. Morales was so aggressive in his actions that other civilians in close proximity attempted to stop Mr. Morales by grabbing him and pulling him away from the officers. Mr. Morales broke away from the civilians while continuing to go toward the officers. The resulting effect based on all accounts was anger by the suspects arrested and toward Officers and apparently responding officers.

Officer Thomas Lattanzio violates well established case law, public trust, and the basic tenets of policing by striking Jose Alvarado while attempting to handcuff him. Officer Lattanzio contended that he slapped/tapped suspect Jose Alvarado on the back of the neck, citing "a controlling maneuver and it worked" *Page 13, line 559* while he was handcuffed. This incident was captured on video from the surveillance cameras from the home at 316 Colorado Avenue.

Furthermore, Officer Lattanzio violates well established case law, public trust, and the basic tenets of policing contending that he struck handcuffed and injured prisoner Peter Diaz while in Booking because Peter Diaz spit in his face which landed in his left eye, nose and mouth. Officer Lattanzio furthered he was unaware Peter Diaz was handcuffed or injured at the time and was afraid Peter Diaz was going to pick up a pen and stab him. Note: Prior to Officer Lattanzio striking Mr. Diaz in the face with a closed fist, Officer Lattanzio after being spit on takes a step back, places his pen in left front chest pocket and appears to collect himself before striking Mr. Diaz.

In examining the incident and reviewing the video, taking into consideration if and when the suspects submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Officer Lattanzio proffered that his actions were to take control of the incident.

## II. Identification of Witnesses:

Efforts commenced immediately to identify and interview witnesses including every person who was on scene, had witnessed the event, or may have information relative to this incident.

Several members of the Office of Internal Affairs thru Law Office of Attorney Robert Berke who was representing the arrested subjects in this matter, made several attempts to conduct a site visit to Mr. Fernando Morales and Mrs. Wanda Mendez's residence to no avail. The undersigned Sergeant sent correspondences to arrested subjects, Mr. Fernando Morales, Mrs. Wanda Mendez, Mr. Carmelo Mendez, Mr. Peter Diaz, Mrs. Sara Deida, Mr. Ramon Davila, Mr. Jose Alvarado and Mr. Jose Rosario.

Despite exhaustive efforts to interview all arrested subjects; only Mr. Carmelo Mendez and Mr. Peter Diaz presented for statement purposes or to present any further corroborate evidence. The undersigned Sergeant was able to secure a statement from Mr. Carmelo Mendez and Mr. Peter Diaz.

The Office of Internal Affairs sent (AMR) American Medical Response personnel, 5 - Sec. 1-210(b)(3)A and 5 - Sec. 1-210(b)(3)A who were in Booking on October 21, 2017 and may have witnessed this incident, notification letters by Certified mail and Standard mail to their place of employment, the 5 - Sec. 1-210(b)(3)A which were delivered on October 22, 2018.

These letters were to notify 5 - Sec. 1-210(b)(3)A and 5 - Sec. 1-210(b)(3)A of an Internal Affairs Investigation which was in progress and to schedule an interview with them relative to this investigation. On October 8, 2018 5 - Sec. 1-210(b)(3)A called and left a message with her contact information.

On October 23, 2018 5 - Sec. 1-210(b)(3)A was called and a message was left for her on voicemail to schedule an interview.

As of November 1, 2018, neither 5 - Sec. 1-210(b)(3)A nor 5 - Sec. 1-210(b)(3)A have called Internal Affairs.

## III. Video Acquisition:

Attorney Robert Berke who is representing Wanda Mendez, Fernando Morales and Carmelo Mendez provided the Office of Internal Affairs with video captured on October 21, 2017 from several different views at 316 Colorado Avenue.

Mr. Carmelo Mendez provided the Office of Internal Affairs video captured from his personal cell phone as well as video captured from video cameras located at 316 Colorado Avenue on October 21, 2017.

Video Footage which was recovered by 6 - Sec. 1-210(b)(3)E 6 - Sec. 1-210(b)(3)E

Video footage obtained for October 21, 2017, from inside the processing, male holding cells, bullpen and officers report writing room and outside on the ramp of the Bridgeport Police Department's Booking area.

Condensed Video footage assembled from collected videos displaying alleged police misconduct violating the policy and procedures of the Bridgeport Police Department. (Video #28)

#### **IV. Event Timeline:**

A series of relevant events took place on Saturday October 21, 2017 which were discovered during this investigation. The events will be listed below, in a brief event timeline, detailing what appears to have transpired between several Bridgeport Police Officers and the people who were arrested. On the night of October 21, 2017 Officers responded to 316 Colorado Avenue a residential home to investigate a noise complaint. While there, Officers made several arrests resulting in police misconduct believed to have injured two of the people who were arrested.

The people who were ultimately arrested were transported to the Bridgeport Police Booking Area located at 300 Congress Street which gave rise to further apparent police misconduct. The Police misconduct involved several Officers relevant to this investigation conducted by the undersigned Sergeant. A catalogue of relevant events in the following timeline are based on police reports, videos, statements and information gathered throughout the duration of this investigation and will be presented below. The times associated with these events are approximate and are based on dispatch recordings, dispatch logs, residential video, cell phone video and police department video obtained as a result of this investigation.

At 22:01:11 hours on Saturday October 21, 2017, Operator 81 of Bridgeport Police Dispatch Center, received a complaint from a male caller who refused to give his name. The unknown male stated somewhere on Colorado Avenue a large festival or party with spot lights and loud music was occurring. (Bridgeport Police Dispatch log)

At 22:07:10 hours, Operator 81 of Bridgeport Police Dispatch Center received a second call from a woman caller who stated between Fairfield Avenue and State Street there was a large party going on and the music was very loud, and the party was directly behind her home **5 - Sec. 1-210(b)(3)A** (Bridgeport Police Dispatch log)

At 22:17:48 hours Officer Natalie McLaughlin (Blue 11) was dispatched to the area of State Street and Colorado Avenue on report of a party with loud music, reported by two complainants. Officer McLaughlin was given file number 171021-297, Officer Bobby Hernandez (Blue 14) was also dispatched to cover Officer McLaughlin on the call. (Bridgeport Police Dispatch log)

At 22:20:52 hours Officer McLaughlin arrived in the area of her call and transmitted to dispatch she had located a party mid-block on Colorado Avenue, the exact address was 316 Colorado Avenue. Officer Bobby Hernandez also arrived as the cover unit with Officer McLaughlin. (Bridgeport Police Dispatch recordings Ch 1)

At 22:24:24 hours Officer McLaughlin transmitted to dispatch, "11 on one, send me backup." Dispatch requests units to respond for cover, 17 (Officer Faroni), 16 (Officer Lattanzio), UB1 Officer Sherback and 12 (Officer Mazzacco) transmitted they would cover. (Bridgeport Police Dispatch recordings Ch 1)

At 22:26:08 hours Officer Michael Mazzacco transmitted to dispatch, "Bring them, 10-32, send all Officers over here, we have non-complaint individuals over here who are threatening Police Officers, send more Officers now." (Bridgeport Police Dispatch Ch 1)

At 22:26:13 hours dispatch transmitted 10-32 and instructs all units to respond to 316 Colorado Avenue. (Bridgeport Police Dispatch Ch 1)

At 22:27:24 hours Officer Michael Mazzacco pulls the home owner Mrs. Wanda Mendez from the group of party goers and instructs assisting officer to place her under arrest. Mrs. Mendez is handcuffed by

assisting Officers, Faroni and Mirtsopoulos and escorted off her property. (residential video from 316 Colorado Avenue)

At 22:27:29 hours UB1 (Officer Sherback) transmitted to dispatch, "send the cars." (Bridgeport Police Dispatch Ch 1)

At 22:27:49 hours Officer McLaughlin and Officer Sherback arrest the home owner Mr. Fernando Morales after instructing him to get on the ground while Officer McLaughlin is pointing her tazer at him and Officer Mazzacco was present. Mr. Fernando Morales was argumentative and handcuffed by Officer Sherback. During the handcuffing Mr. Fernando said "fuck you" to Officer Sherback and Officer Sherback said "fuck you" right back to Mr. Morales. This incident was captured on scene during the arrest of Mr. Morales. Mr. Morales is escorted off his property by Officer Sherback and Officer Stanitis. Officer Stanitis and Officer Pires placed Mr. Fernando in a police vehicle with the use of force per the report of Officer Pires although this is not captured on video. (residential video 316 Colorado Avenue)

Officer Linet Castillo also participated in the use of force while aiding Officer Stanitis and Pires with Mr. Morales as they attempted to secure him a vehicle. Officer Linet Castillo completed two supplemental reports about the same incident, one documented the names of Officer Stanitis and Officer Pires the other did not. One supplemental report was signed by Sergeant Delgado the other was signed by Sergeant Long and both were dated October 21, 2017. (Exhibit Record #17 Supplemental Reports)

At 22:28:19 hours Officer Michael Mazzacco points to Mr. Peter Diaz who is a wheel chair and says out loud "he is going to, he wants to slap my hands away, he is going to, I am a bitch as nigger to, right, you're going," Officer Mazzacco is instructing assisting Officers to arrest Mr. Diaz, assisting Officer, Officer Faroni wheels Mr. Diaz down the driveway and while doing so liquid is thrown on Officer Faroni, Officer Mark Blackwell and Mr. Diaz by Mrs. Sara Deida. (residential video 316 Colorado Avenue and cell phone video)

At 22:28:23 hours dispatch informs units as they are responding to the scene Fairfield Police have been notified and will be responding. (Bridgeport Police Dispatch Ch 1)

At 22:29:04 hours Officer Natalie McLaughlin, Officer Mark Blackwell and Officer Matthew Johnson arrest Mrs. Sara Deida the on rear deck of the home. Mrs. Sara Deida is escorted off the property by Officer Mark Blackwell. (cell phone video) Officer Blackwell completed a supplement report the following day documenting his actions. Officer Matthew Johnson complete two supplemental reports documenting the same incident dated October 21, 2017. One of the reports documented the resistance of Mrs. Deida and the other did not. One report was signed by Sergeant Delgado the other was signed by Sergeant Long. (Exhibit Record #17 Supplemental Reports)

At 22:29:26 hours Officer Thomas Lattanzio strikes Mr. Jose Alvarado twice on the left shoulder with the palm of his hand while attempting to handcuff Mr. Alvarado and place him under arrest. Present during the arrest of Mr. Alvarado were Officer Todd Sherback and Officer Douglas Bepko. Mr. Jose Alvarado is escorted off the property by Officer Lattanzio. (residential video 316 Colorado Avenue and cell phone video)

At 22:29:43 hours Officer Joseph Cruz is holding Mr. Ramon Davila by the left arm and appears to be instructed by Officer Mazzacco to place him under arrest. Officer Joseph Cruz then forces Mr. Davila to the ground by the left arm and left shoulder in a sweeping motion. Mr. Davila was handcuffed with the aid of several Officers. Mr. Davila is escorted by Officer Mirtsopoulus to his patrol vehicle.

Officer Joseph Cruz returns his attention to the arrest of Mr. Carmelo Mendez. (residential video 316 Colorado Avenue and cell phone video)

At 22:30:33 hours Sergeant Delgado, Officer Stern and Officer Szeps approach Mr. Carmelo Mendez who is recording police conduct with his cell phone in his hand. Officer Stern tells Mr. Mendez "the party is over let's go." Mr. Mendez responds don't touch me this is my sister's house, Officer Stern says let's go. Officer Szeps then grabs Mr. Mendez by the left arm and forces him to the ground. Mr. Mendez is heard saying, oh he just punched me. Mr. Mendez is then surrounded by numerous Officers and one officer says, he's got a gun. Numerous Officer are struggling to control Mr. Mendez while he is lying on the ground attempting to place him under arrest. (residential video 316 Colorado Avenue and cell phone video). Officer Stern notes in his police report, Mr. Mendez swung his arm at him in an outward motion in order to prevent any further contact after Officer Stern attempted to place his hand on his arm to guide him out. (Bridgeport Police Report)

At 22:30:41 hours during the struggle with Mr. Mendez, Officer Douglas Bepko was seen on residential video purposely attempting to block a female party goer from recording the arrest of Mr. Carmelo Mendez with her camera. Officer Bepko steps in front of the female party goer four times. The fourth time to purposely block her view, Officer Bepko appears to place his illuminated flashlight in the lens of her camera to interfere with the recording of the arrest of Mr. Carmelo Mendez. (residential video 316 Colorado Avenue)

At 22:30:53 hours Officer Stanitis as he walks into the yard with Lieutenant Sapiro is observing other Officers struggling to handcuff Mr. Mendez. (residential video 316 Colorado Avenue)

At 22:30:55 hours Officer Stanitis removes an item from his duty belt consistent with where Officers commonly carry their flashlight from the left rear side of his body. Officer Stanitis looks in the direction of Lieutenant Sapiro momentarily, Lieutenant Sapiro at the time was looking in the opposite direction of Officers struggling to handcuff Mr. Mendez. Officer Stanitis positioned himself in the group of Officers near Mr. Mendez's head. (residential video 316 Colorado Avenue)

At 22:30:56 Officer Bobby Hernandez appears to give Detective Fortes an item from the left side of his duty belt which appears to be an asp based on the corroboration of officers report and documentation. Detective Fortes uses the asp to control Mr. Menendez and remove his hands from underneath his body which Detective Fortes described in his statement. Detective Fortes would days later complete a use of force report and an official report documenting his actions during the incident. (residential video 316 Colorado Avenue)

At 22:30:57 Sergeant Scillia with his right hand appears to punch to Mr. Mendez while he is on the ground, at this point in the video it appears Mr. Mendez is not yet handcuffed. (residential video 316 Colorado Avenue)

At 22:30:58 Sergeant Scillia appears to kick or stomp on Mr. Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to control Mr. Mendez while he is on the ground. Sergeant Scillia maintains this position observing Officers during the entire handcuffing and arrest of Mr. Mendez to its conclusion. (residential video 316 Colorado Avenue)

At 22:31:01 hours a flash of light is seen directly under the torso of Officer Michael Stanitis (appears to be the illumination of his flashlight) now in his hand. (residential video 316 Colorado Avenue)

At 22:31:03 Officer Stanitis kneels between Officer Stephen Silva and Officer Bobby Hernandez and appears to rapidly move his right arm back and forth in a thrusting motion toward the head of Mr.

Mendez. It appears Officer Stanitis is striking Mr. Mendez and appears to be striking him with the end of an object, although contact cannot be seen. (residential video 316 Colorado Avenue)

At 22:31:06 Officer Stanitis stands up and briefly looks in the direction of Lieutenant Sapiro momentarily and again goes down in a kneeling posture between Officer Silva to his right and Officer Hernandez to his left. (residential video 316 Colorado Avenue)

At 22:31:07 Officer Stanitis rapidly moves his right arm again several more times towards the head area of Mr. Mendez appearing to strike Mr. Mendez and appears to be striking him with an object, although contact cannot be seen. (residential video 316 Colorado Avenue)

At 22:31:09 Officer Stanitis stands and walks away from his kneeling position and replaces the item onto his duty belt on the left side of his body with his left hand and appears to secure the item. (residential video 316 Colorado Avenue)

At 22:31:21 Officer Stanitis turns back towards the Officers struggling with Mr. Mendez and looks at his right hand then stretches his thumb out twice and rubs his right hand on his pant leg as if he has injured it. (residential video 316 Colorado Avenue)

At 22:31:33 hours it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed lying on the ground. Sergeant Scillia then reaches down and grabs Mr. Mendez with both hands and picks Mr. Mendez up off the ground with the aid of Officer Szeps bringing Mr. Mendez to his feet. Sergeant Scillia is then seen pointing and appears to be giving direction to Officers who are still circled around Mr. Mendez. Mr. Mendez is then walked away in handcuffs by Officer Szeps and Officer Silva. (residential video 316 Colorado Avenue)

At 22:34:13 hours Sergeant Paul Scillia (CPS) transmitted to dispatch advising, "this thing over here is calming and we are restoring order, numerous parties are in handcuffs, slow any other vehicles coming here including Fairfield, disregard Fairfield, tell them thank you, we're good." (Bridgeport Police Dispatch recordings Ch 1)

At 22:35 hours Officer Daniel Faroni places Mr. Peter Diaz to his patrol car and places Mr. Diaz's wheel chair in the trunk of the patrol car. (residential video 319 Colorado Avenue)

At 22:36 hours Officer Daniel Faroni transmitted to dispatch he is transporting one, (Mr. Peter Diaz), for Blue 12 (Officer Michael Mazzacco), from 316 Colorado Avenue to booking. As Officer Faroni drives away the wheel chair falls out of the trunk onto the street. Officer Faroni continues driving to booking leaving the wheel chair behind in the middle of the street. (dispatch recordings Ch 1)

At 22:36 hours Officer Stephen Silva (Amber 27) transmitted to dispatch he was transporting one, adult male, (Mr. Carmelo Mendez), to booking from 316 Colorado Avenue. (Bridgeport Police Dispatch recordings Ch 1)

At 22:39:40 hours Mr. Jose Rosario a party goer drives down Colorado Avenue in the direction of Officer Joseph Pires and other Officers who are still at 316 Colorado Avenue. Residential video obtained from 316 Colorado Avenue shows Officer Pires standing in the driveway portion of 316 Colorado Avenue as Mr. Jose Rosario drives by in his truck. Officer Pires documented in his report he had to move quickly out of the way of the vehicle in order to avoid being struck as did multiple other officers. The video obtained shows Officer Pires did not have to move quickly out of the way of the vehicle in order to avoid being struck by Mr. Rosario. (residential video 316 Colorado Avenue) Mr. Jose Rosario was subsequently arrested with the use of force by Officer Pires which he allegedly documented after the event in a use of

force report (dated 10/21/17 by Officer Pires and received and signed by Sergeant Delgado 10/31/17, ten days after the event). Mr. Rosario is placed in the patrol vehicle of Officer Matthew Johnson and transported to booking. (Bridgeport Police Reports)

At 22:40 hours Officer Daniel Faroni transmitted to dispatch he had arrived at booking, with one (Mr. Peter Diaz). (Bridgeport Police Dispatch recordings Ch 1)

At 22:41:44 hours Officer Daniel Faroni with the aid of an assisting Officer from the Stratford Police Department remove Mr. Peter Diaz from Officer Faroni's patrol vehicle and drag Mr. Diaz up the booking driveway. They continued to drag Mr. Diaz on the booking ramp sidewalk to the entry door of the booking area. Note: Mr. Peter Diaz at this time would have needed his wheel chair, which was left at the scene after falling out of Officer Faroni's trunk. (Sally Port Ramp camera, Department recordings)

At 22:41:59 hours Booking Sergeant Mark Belinkie is present observing Officers drag Mr. Diaz up the booking driveway and sidewalk leading to the booking area entry door. The Officers stop while Mr. Diaz is lying on the ground handcuffed without the aid of his wheel chair. (Sally Port Ramp camera, Department recordings)

At 22:43:36 hours Officer Daniel Faroni with the aid of an assisting Officer from the Stratford Police Department drag Mr. Diaz into the doorway of the Sally Port area of Booking. Mr. Diaz is handcuffed, he is laid on the floor and on the first step of the stairwell with his shirt over his head and with the skin of his back and buttocks exposed. (Sally Port camera, Department recordings)

At 22:44:05 hours Officer Daniel Faroni and Detection Officer Paul Humphrey grab Mr. Diaz under the arms and walk him up the stairs to the booking area. Mr. Diaz then hops on one leg while Officer Faroni brings him to the Booking desk to begin processing Mr. Diaz. (Sally Port camera and Booking desk behind camera, Department recordings)

At 22:48:19 hours Officer Stephen Silva enters the sally port area of Booking with Mr. Carmelo Mendez. Mr. Mendez has visible circular bruising and swelling to the left temple area of his face. Mr. Mendez is walked to the holding cell and placed in the holding cell handcuffed. (Sally Port camera, Booking Desk Side, and Holding cell front, Department recordings)

At 22:49:05 hours Officer Daniel Faroni is processing Mr. Diaz at the booking desk. Next to Mr. Diaz is Officer Thomas Lattanzio who is processing Mr. Jose Alvarado. Officer Lattanzio and Mr. Diaz are having words with each other and Officer Lattanzio pushes Mr. Diaz for getting to close to him. Mr. Diaz was handcuffed and standing with an injured leg when he was pushed. (Booking desk side camera, Department recordings)

At 22:51:44 hours Detention Officer Paul Humphrey has a verbal argument with Mr. Fernando Morales who is in the holding cell with Mr. Carmelo Mendez. Mr. Fernando Morales is yelling at Officer Humphrey, (Mr. Mendez is his brother). Officer Humphrey tells Mr. Morales he is not talking to him and "doesn't give a fuck." Mr. Morales calls Officer Humphrey a "faggot" and Officer Humphrey calls him an "ass hole." (Booking desk behind camera, Department recordings)

At 22:52:47 hours Officer Lattanzio and Mr. Diaz are having words again with each other and Officer Lattanzio pushes Mr. Diaz a second time for getting to close to him. Mr. Diaz is handcuffed and standing with an injured leg when pushed. Officer Daniel Faroni continues to process Mr. Diaz. (Booking desk side camera, Department recordings)

At 22:52:52 hours Officer Lattanzio and Mr. Diaz continue to have words with each other and Officer Lattanzio pushes Mr. Diaz a third time for getting too close to him. Mr. Diaz is handcuffed and standing with an injured leg and Officer Daniel Faroni continues to process him. (Booking desk side camera, Department recordings)

At 22:53:04 hours Officer Lattanzio and Mr. Diaz are having words with each other as Officer Daniel Faroni continues to process Mr. Diaz, and Mr. Diaz spits in the face of Officer Lattanzio. Officer Lattanzio punches Mr. Diaz in the face, Mr. Diaz is handcuffed and standing with an injured leg when he is punched. Mr. Diaz falls to the ground unaided and is later placed in holding cell number seven. (Booking desk side and money counter camera, Department recordings)

At 23:00:50 hours Sergeant Paul Scillia and Officer Douglas Bepko are in the Report Writing Area of booking speaking with each other amongst other Officers (no audio in this area of booking). Officer Douglas Bepko with his right hand drags his right index finger across his forehead from left to right and appears to be describing the injuries on the forehead of Mr. Carmelo Mendez to Sergeant Scillia. Officer Douglas Bepko then makes a circle with his right thumb and index finger and pats his right temple area once and appears to be describing the injuries sustained by Mr. Carmelo Mendez. (Report Writing Area, Department recordings)

At 23:01:16 hours Officer Douglas Bepko while speaking with Sergeant Paul Scillia (no audio in this area of booking) again makes a circle with his right thumb and index finger and pats his right temple area six times in slightly different locations and appears to be describing the injuries sustained by Mr. Carmelo Mendez. (Report Writing Area, Department recordings)

At 23:19:35 hours Lieutenant Robert Sapiro is speaking with Sergeant Ivan Delgado in the presence of Officer Douglas Bepko as Sergeant Ivan Delgado points to his tooth/mouth while standing in the Photo Area of Booking. Lieutenant Sapiro while speaking to Sergeant Ivan Delgado and Officer Douglas Bepko (no audio in this area of booking) appears to demonstrate the act of punching something, by motioning with his right hand in a fist and throwing three downward punches while laughing, Sergeant Ivan Delgado puts his head down and walks forward and Lieutenant Sapiro walks away.

At 23:31:00 hour Mr. Carmelo Mendez collapses to the floor in the holding cell while handcuffed. Sergeant Scillia instructs Mr. Fernando Morales who he is monitoring, in the booking area, move over here pal, (moving him away from the holding cell), stay right there, don't move, Mr. Fernando Morales asks, if that was necessary, Sergeant Scillia states, yes it was stay there and shut up. Sergeant Paul Scillia, Detention Officer Sylvia Firpi and two medics enter the holding cell and begin tending to Mr. Carmelo Mendez after his collapse.

At 23:35:16 hour Mr. Carmelo Mendez is taken out of booking in a medical wheel chair by the medics. Swelling and injury can be seen on the forehead of Mr. Mendez. (Booking Desk Side, Department recordings)

At 23:52:44 hours Sergeant Paul Scillia, Officer Mario Pecirep and Detention Officer Jose Figueroa in addition to medics [redacted] 5 - Sec. 1-210(b)(3)A and [redacted] 5 - Sec. 1-210(b)(3)A begin to prepare Mr. Diaz for transport from his holding cell number 7. (PD3-7 Male 7 camera, Department recordings)

At 23:53:13 hours Mr. Diaz is handcuffed and wrapped in sheet, seated in the medical wheel chair and belted into the wheel chair by AMR medics [redacted] 5 - Sec. 1-210(b)(3)A and [redacted] 5 - Sec. 1-210(b)(3)A to ready him for transport to the hospital. Sergeant Paul Scillia, Officer Mario Pecirep and Detention Officer Jose



Figueroa are all present during this prep work performed by the medics. (PD3-7 Male 7 camera, Department recordings)

At 23:53:40 hours Detention Officer Jose Figueroa attempts to secure Mr. Diaz with ankle shackles while in the medical wheel chair. According to Detention Figueroa, Mr. Diaz makes a negative statement about the wife of Detention Officer Jose Figueroa. Officer Figueroa becomes angry and pokes Mr. Diaz in the chest with his right index finger and tells him to "shut the fuck up." (Page 8, line 340-356), (PD3-7 Male 7, Male 6 camera, Department recordings)

At 23:53:46 hours Sergeant Paul Scillia hearing and seeing the negative exchange between Detention Officer Jose Figueroa and Mr. Diaz reaches down and grabs a secondary restraint belt attached to the medical wheel chair, Mr. Diaz is already secured in. Sergeant Scillia after grabbing the loose restraint fastens the belt and with two hands pulls the belt strap tight in an upward motion striking Mr. Diaz in the face with his hands while firmly holding onto the restraint belt. Officer Mario Pecirep and AMR medics 5 - Sec. 1-210(b)(3)A and 5 - Sec. 1-210(b)(3)A are present. (PD3-7 Male 7, Male 6 camera, Department recordings)

At 23:53:59 hours Sergeant Paul Scillia then walks in front of Mr. Diaz who is confined in the medical wheel chair and hits the injured leg of Mr. Diaz. Sergeant Paul Scillia using his right leg in a sweeping motion while passing in front of Mr. Diaz contacts the injured leg. (PD3-7 Male 7, Male 6 camera, Department recordings)

At 23:55:16 hours Sergeant Paul Scillia is escorting Mr. Diaz in the process of being wheeled out of booking for transport to the hospital with the medics. Sergeant Scillia begins to speak in a condescending tone addressing Mr. Diaz by voicing the following: Okay guys, have fun with him, have fun sir, hope you feel better, I hope you feel better pal, see you later buddy. (Booking Desk Behind camera, Department recordings)

At 23:55:32 hours Sergeant Paul Scillia, after Mr. Diaz has left the booking area with the medics begins to explain to Detention Officer Jose Figueroa and Detention Officer Sylvia Firpi how he hit Mr. Diaz, Sergeant Scillia acknowledges the following: "My hand slipped and hit him in the face by accident, when I was putting the seat belt on, so you know", (*Sergeant Scillia pats Detention Officer Jose Figueroa on the back*). Sergeant Scillia further states, "then I tripped, and my fucking foot tripped right into his bad ankle, I didn't mean to, it was very tight, they get under your skin." (Booking Desk Behind camera, Department recordings)

## **1. Sergeant Paul Scillia: Issue # 1 Use of Force:**

1

Sergeant Paul Scillia stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out by an Officer on scene who needed help. The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Sergeant Paul Scillia was reasonable and based on the facts known to Sergeant Paul Scillia at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

The force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

Sergeant Scillia said the only contact he had with the Carmelo Mendez, the gentleman with the gun, he thought, was when the suspect was shoved into him initially. Sergeant Scillia said he attempted to hook his arm around the suspect to pull him up and the suspect was heavier than he thought. The suspect kind of, like either, threw him off balance or he started falling down with the suspect and other Officers saw this, Officer Szeps was one of them. The other Officers helped pick the suspect up on his feet and another Officer or two walked down the driveway with suspect. Sergeant Scillia said this was the only contact he had with the suspect. (Part one, Page 6, line 256-262)

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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.

A determination must also be made as to whether the force used compiled with the requirements of Graham v. Connor as to be objectively reasonable. First, how serious was the offense that the officer suspected at the time the officer used force? Sergeant Scillia was asked in his statement if he used any force on Mr. Mendez and he said, "I do not recall, no". He was asked if he saw anyone strike Mr. Mendez with baton or asp he said, no. He was asked if he struck Mr. Mendez in any way with a boot, a fist, hands, knees, elbows, any object prior to him being handcuffed he said, no. Sergeant Scillia was asked if he struck Mr. Mendez after Mr. Mendez was handcuffed he said, no. Sergeant Scillia said he was not sure of who actually cuffed Mr. Mendez.

Based on the video (View/camera ch06, segment 222942-224634) At 10:29:57 PM Sergeant Scillia with his right hand appears to punch Mr. Mendez while he is on the ground, at this point in the video it appears Mr. Mendez is not yet handcuffed and at 10:29:58 PM Sergeant Scillia appears to kick or stomp on Mr.

Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to take control of Mr. Mendez while he is on the ground. Sergeant Scillia maintains this position observing Officers during the arrest of Mr. Mendez to its conclusion, (View/camera ch06, segment 222942-224634). At 10:30:30 PM it appears Officer Szeps has completed handcuffing Mr. Mendez. Officer Szeps stands up to the left of Sergeant Scillia. Sergeant Scillia touches Officer Szeps on the left shoulder and appears to instruct other Officers circled around Mr. Mendez that appeared to be handcuffed, to pick Mr. Mendez up by motioning with his left hand, thumbs up. Other Officers involved begin to stand up and back away from Mr. Mendez who is lying on the ground and believed to be handcuffed at this point. (View/camera ch06, segment 222942-224634) At 10:30:33 PM it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed and lying on the ground. (View/camera ch06, segment 222942-224634) At 10:30:40 PM Sergeant Scillia reaches down and grabs Mr. Mendez with both hands and picks Mr. Mendez up off the ground and is aided by Officer Szeps to bring Mr. Mendez to his feet. Sergeant Scillia is then seen pointing and appears to give direction to Officers who are still circled around Mr. Mendez. Mr. Mendez is then walked away in handcuffs by Officer Szeps and Officer Silva.

Second, did the suspect pose a threat to the officer or any other person present. Sergeant Scillia conveyed he could see the suspect's legs flapping up and down; this was the only thing that was really visible to him of the suspect. Sergeant Scillia heard Officers and felt it was a "ruckus", he could not pinpoint in particular what every Officer was saying by any means or who was on top of the suspect. Sergeant Scillia knew there were a lot of bodies on the suspect trying to get his hands and then he heard somebody yell, "Gun, gun, gun." Sergeant Scillia walked around to the side of the pile because he just did not know where to put himself. He explained, when you hear "that" (Gun, gun, gun), you just don't know what to do with yourself. Sergeant Scillia stated he was not really actively trying because there was no room for him to try and help.

According to the video, there were numerous officers on top of Mr. Mendez restraining him and the firearm on Mr. Mendez was removed within seconds.

Sergeant Scillia heard somebody say, "I got the gun, I got the gun" shortly after hearing "I got the gun, I got the gun" the suspect was handcuffed and everybody kind of got off of the suspect (Mr. Carmelo Mendez). The suspect was laying there in handcuffs. At this time seen on video captured Sergeant Scillia lean towards Mr. Mendez, who was laying on the ground handcuffed, and apparently strike him with his right fist and then kick him twice before Mr. Mendez was picked up off the ground.

Third, was the suspect actively resisting or attempting to evade arrest by flight. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspect's actions were not of someone attempting to evade arrest. As Sergeant Scillia walked down the driveway," he heard somebody say "it" and thought it was Officer Szeps, "This guy got to go to jail." Sergeant Scillia looked, and guessed, Officer Szeps meant to get the suspect (Mr. Carmelo Mendez) and not let him be placed in handcuffs but to be grabbed from behind and for whatever reason the suspect kind of like stepped at Sergeant Scillia. Sergeant Scillia stated he did not think the suspect was pushed but it seemed like he was pushed. Sergeant Scillia did not recall if he made contact with the suspect at this point or not but then the suspect went to the ground and a bunch of other Officers got on top of the suspect. At this point Sergeant Scillia walked around to the rear of the pile where an officer was handcuffing Mr. Mendez.

In examining the incident and reviewing the video, taking into consideration if and when Mr. Mendez submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Sergeant Scillia has proffered that he was not really actively trying because there

was no room for him to try and help. Video captured showed Sergeant Scillia strike Mr. Mendez while he laid on the ground handcuffed.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by Graham v. Connor.

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manual. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority is Case Law which consist of Graham v. Connor, Kingsley v. Hendrickson, Tennessee v. Garner and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person could logically conclude that Sergeant Paul Scillia was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017. The views/cameras were named ch01, ch02, ch03, ch04, ch05, ch06 and ch07. The data captured by these cameras were stored in segments/files identified by time stamps in military time. The following is a summary of what was captured relative to the conduct of Sergeant Scillia.

(View/camera ch06, segment 221251-222942) At 10:29:32PM (time stamp on video) Sergeant Scillia is walking past a gate midway in the driveway and is present and in full view of Officer Szeps taking Mr. Mendez to the ground at 10:29:36PM (time stamp on video).

(View/camera ch06, segment 222942-224634) At 10:29:42PM (time stamp on video) Sergeant Scillia is present at the beginning and during the arrest of Mr. Mendez. Sergeant Scillia attempts to aid in the arrest of Mr. Mendez at 10:29:54PM, by what appears to be placing his hands on Mr. Mendez or an Officer in front of him who is moving around, in an attempt gain control.

(View/camera ch06, segment 222942-224634) At 10:29:57 Sergeant Scillia with his right hand appears to punch Mr. Mendez while he is on the ground, at this point in the video it appears Mr. Mendez is not yet handcuffed because there is still a group of officers around Mr. Mendez.

(View/camera ch06, segment 222942-224634) At 10:29:58 Sergeant Scillia appears to kick or stomp on Mr. Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to take control of Mr. Mendez while he is on the ground. Sergeant Scillia maintains this position observing Officers during the arrest Mr. Mendez to its conclusion.

(View/camera ch06, segment 222942-224634) At 10:30:30PM it appears Officer Szeps has completed handcuffing Mr. Mendez. Officer Szeps stands up to the left of Sergeant Scillia. Sergeant Scillia touches Officer Szeps on the left shoulder and appears to instruct other Officers circled around Mr. Mendez that appeared to be handcuffed, to pick Mr. Mendez up by motioning with his left hand, thumbs up. Other Officers involved begin to stand up and back away from Mr. Mendez who is lying on the ground and believed to be handcuffed at this point.

(View/camera ch06, segment 222942-224634) At 10:30:33PM it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed and lying on the ground.

(View/camera ch06, segment 222942-224634) At 10:30:40PM Sergeant Scillia reaches down and grabs Mr. Mendez with both hands and picks Mr. Mendez up off the ground and is aided by Officer Szeps to bring Mr. Mendez to his feet. Sergeant Scillia is then seen pointing and appears to give direction to Officers who are still circled around Mr. Mendez. Mr. Mendez is then walked away in handcuffs by Officer Szeps and Officer Silva.

#### **Citizen Complaint Form:**

On October 23, 2017 Mr. Carmelo Mendez lodged a citizen's complaint with the Office of Internal Affairs against unknown members of the Bridgeport Police department. Mr. Mendez described one of the officers as a White male, bald and tall. He also described the second officer as a white male with a mohawk and the third officer as a White male with the name Stern on his name tag. The complaint was relative to an incident that occurred on October 21, 2017, in which Mr. Mendez alleges was beaten up and arrested.

In his complaint, Mr. Mendez stated that's when a whole bunch of other Officers started punching him in the face and kicking him. Mr. Mendez stated while he was on floor, he said, [REDACTED] 2 - CGS Sec. 29-28(d) and they started punching him harder. Mr. Mendez stated they were punching him before and after he said he had a gun permit. [REDACTED] 2 - CGS Sec. 29-28(d) one of the Officers said, "We don't give a fuck, shut up." Mr. Mendez stated he kept saying, "They're punching me. They're punching me in the face. They're punching me and they're kicking me." Mr. Mendez stated they just continued to punch him and kick him.

Mr. Mendez stated he then saw two of the Officers, one that was behind him, put his knees on his back near his neck. He had something shiny on his knuckles and he kept punching him in the face and then he got up. Mr. Mendez stated there was a sergeant walking by and he yelled "Oh, they're still punching me, they're still punching me."

Mr. Mendez stated when the Officers were lifting him up, an Officer who had something shiny in his hands, not sure if it was handcuffs or brass knuckles punched him two times on the face and threw him back down on the floor. Mr. Mendez stated the Officers then picked him up and took him to the Police car.

**Mr. Mendez taped signed and sworn statement:**

Mr. Mendez stated that is when a whole bunch of other Officers started punching him in the face and kicking him. Mr. Mendez stated while he was on floor, he said, [REDACTED] 2 - CGS Sec. 29-28(d) Page 2, line 78 and they started punching him harder. Mr. Mendez stated they were punching him before and after he said he had a gun permit. [REDACTED] 2 - CGS Sec. 29-28(d) one of the Officers said, "We don't give a fuck, shut up." Page 2, line 80-81 Mr. Mendez stated he kept saying, "They're punching me. They're punching me in the face. They're punching me and they're kicking me." Page 2, line 82-83 Mr. Mendez stated they just continued to punch him and kick him.

Mr. Mendez stated he then saw two of the Officers, one that was behind him, put his knees on his back near his neck. He had something shiny on his knuckles and he kept punching him me in the face and then he got up. Mr. Mendez stated there was a sergeant walking by and he yelled "Oh, they're still punching me, they're still punching me." Page 2, line 89-90

Mr. Mendez stated when the Officers were lifting him up, an Officer who had something shiny in his hands, not sure if it was handcuffs or brass knuckles punched him two times on the face and threw him back down on the floor. Mr. Mendez stated the Officers then picked him up and took him to the Police car.

**Mr. Mendez's Narrated Video:**

Mr. Mendez also provided a narrated portion of the above incident to further corroborate the actions of the Bridgeport Police Officers involved and in particular the actions of officer Stanitis and Sergeant Scillia. (*Exhibit Book # 4, Digital media, video file # 28, video assembled from collected videos*)

Mr. Mendez narrates the actions of the Bridgeport Police Department members while playing the video. As Mr. Mendez is on the ground surrounded by Bridgeport Police Officers he states in his narration "See they are all hitting me, look, and kicking me." Also, there is an unidentified female voice in the narration stating "uhm, yeah." (#28. 316 Colorado Avenue video clips, time 00:20 -01:23)

As Officer Stanitis approaches the officers dealing with Mr. Mendez on the ground Mr. Mendez narrates, "watch this guy, him right here, el (him) tall one look, he put something on his hand and look he starts hitting me in the face, see look, see." Unidentified female "uhm" Mr. Mendez continues 'y mira (and look). Mr. Mendez's pointer finger comes into the video screen and points directly at Officer Stanitis who is knelt down in between other officers and continues to narrate stating, "him right here, he's gonna put something in his pocket, back pocket, see" unidentified female "yeah." Mr. Mendez continues, "back pocket." Unidentified female "I think he hits you with the handcuffs, porque (because) that's where they got the, that's what where they got the handcuffs in that side." Mr. Mendez continues to narrate stating "Okay, so that's what he hit me with then." Infant screams in the background. (#28. 316 Colorado Avenue video clips, time 00:20 -01:23)

As the officers around Mr. Mendez, who is still on the ground back off Mr. Mendez, Sergeant Scillia moves in closer to Mr. Diaz and thrust forward toward Mr. Diaz twice and Mr. Mendez continues to narrate stating, "Look and this guy punches me again twice." Sergeant Scillia then again bends down toward Mr. Mendez who appears to be handcuffed and is still on the ground and appears to thrust forward again two more times and Mr. Mendez narrates stating "and again.... see." Mr. Mendez is then picked up

off the ground by Sergeant Scillia and officer Szeps and is walked out of the driveway by officer Adam Szeps and Steven Silva. Mr. Mendez then narrates stating "Amazing." (#28. 316 Colorado Avenue video clips, time 00:20 -01:23)

The evidence and testimony support violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.1.7.4 *Use of Force*, 3.7.1 *Use of Force*. The evidence and testimony support violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.3.38 (*Truthfulness*).

Based on the Citizen Complaint form filed by Mr. Mendez, the taped signed and sworn statement provided by Mr. Mendez, and the Narrated Video provided by Mr. Mendez and all of the other video captured from 316 Colorado Avenue the undersigned Sergeant finds Mr. Mendez, along with all the evidence to be credible.

Having determined that Sergeant Scillia violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of Department Rules 1.1.6 Appendix A-Oath of Office, 1.1.7. Law Enforcement Code of Ethics, 1.17.1 Primary Responsibilities of a Police Officer, 1.1.7.2 Performance of the duties of a Police Officer, 1.1.7.4 Use of Force, 1.1.7.6 Integrity, 1.2.18, Authority and Responsibility, 1.2.21 Supervisor Accountability, 1.3.3.5 Supervising Officer, 1.3.12 Incompetence, 1.3.21 Unbecoming Conduct, 1.3.29 Public Contact, 1.3.34 Departmental Reports / Official Correspondence, 1.3.38, Truthfulness 3.7.1 Use of Force, 3.7.1.1 Definitions, 3.7.1.17 Situations requiring a Use of Force Report, 3.7.3 Prisoner Transportation, 3.8.2 Policy Holding Facility, 1.3.5 Violation of rules, 1.3.6 Conformance to Rules/Regulations.

### **OIA Conclusion**

The purpose of this interview was to determine whether the conduct of Sergeant Paul Scillia was appropriate under the Policies of Bridgeport Police Department. The use of force used by the Sergeant Paul Scillia was excessive, unnecessary and unreasonable based on the facts and circumstances gathered from statements provided to the Office of Internal Affairs coupled with information obtained during this investigation and video evidence which was collected throughout the development of this investigation.

Bridgeport Police Policy 2.7.5.1 **Defines** "Corruption/Serious Misconduct:" Criminal activity or serious misconduct of any kind including the unjustified use of excessive force or perjury that is committed by a member of the service whether on or off-duty.

Bridgeport Police Policy 3.7.1 "Use of Force" **states:** Police officers shall use only that force that appears reasonably necessary to effectively bring an incident under control while protecting the lives of the officers or another as per CGS 53a-22. Law permits the use of force under certain conditions, and a police officer is authorized to exercise force in those circumstances. The unnecessary use of force is contrary to law and places the Department in a position of civil liability and places the officer in a position of civil and criminal liability; therefore, the unnecessary use of force is prohibited. Members of BPD are strictly prohibited from the use of excessive physical force against any individuals engaged in non-violent civil rights demonstrations. Police officers are entitled to enter the Continuum at that level that they reasonably believe is necessary to control the situation and accomplish their lawful purpose. Police officers are required to de-escalate within the continuum when they reasonably believe control may be maintained and their lawful purpose is accomplished by such a lesser degree of force. However, police officers are never required to place themselves or third persons in a situation that exposes them to an unreasonable risk of danger or injury.

Bridgeport Police Policy 3.7.1.2 **Defines** "Reasonable Non-Deadly Force: An officer is justified in using reasonable non-deadly force on another person when and to the extent the officer reasonably believes it is necessary to: 1) Effect an arrest or prevent an escape from custody of a person whom the officer reasonably believes to have committed an offense, unless the officer knows that the arrest or custody is unauthorized. 2) Defend himself or a third party from the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent escape (CGS 53a-22). 3) To thwart the acts of another who the officer reasonably believes is about to commit suicide or to inflict serious physical injury upon himself (CGS 53a-22).

An inherent responsibility of a police officer is to take action based on facts and circumstances then known to that officer at the time of incident and, to promote public safety and wellbeing for all concerned. Police Officers are trained and furthermore, conduct themselves in light of those reasonable responsibilities, within the confines of the law, on a daily if not minute by minute basis. Officers are not expected, nor is it reasonable to request that their actions be perfect in hind sight. Rather, they must make their decisions based on the facts as they existed, or as they believed existed at the time a decision is made. A test to evaluate the reasonableness is objective in nature and is based upon what a reasonable, well trained police officer would believe to be true from the prudent and cautious standpoint of the skilled and experienced officer at the scene.

Sergeant Paul Scillia in this case engaged in conduct that did not in line itself with acceptable police practices and procedures, in light of the facts known to him, in relation to the events which formed the basis for this investigation. His conduct in and method of interceding in the perceived threat of Mr. Mendez while at 316 Colorado Avenue was not consistent with the standards of police behavior reasonably expected under the circumstances.

After reviewing all statements, investigative reports, documents available, coupled with the information provided by video evidence, the undersigned Sergeant concludes that there is substantial evidence to support the position to an objectively reasonable person Sergeant Paul Scillia did not conducted himself properly with respect to his use of Reasonable Non-Deadly Force. The force used by Sergeant Paul Scillia was excessive, unnecessary and unreasonable in relation to Mr. Mendez. Sergeant Scillia actions are extraordinarily inconsistent with generally accepted police practices and procedures, as well as existing law and regulations. Due to the perceived danger of officers and Sergeant Paul Scillia, Sergeant Paul Scillia use of Reasonable Non-Deadly Force was unjustified and not consistent with the Bridgeport Police Policy and Procedures.

Sergeant Paul Scillia is authorized to use force and is responsible for the extent to which he exercises it thus making him solely responsible for his own actions and that of his subordinates under his immediate direction. Based on the statement of Sergeant Paul Scillia coupled with the facts and circumstances revealed and obtained during the course of this investigation, it is the determination of this office that the preponderance of evidence has been substantiated to conclude that Sergeant Paul Scillia undoubtedly violated the following Bridgeport Police Policy and Procedures/Rules and Regulations:

#### **1.1.7.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from apply the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.



## **2. Sergeant Paul Scillia Issue # 2 Truthfulness:**

The integrity of police service is based on truthfulness. Member shall be honest and forthright when questioned by a superior officer. No member shall knowingly or willfully depart from the truth in giving testimony, or in creating a written report, affidavit, or statement about any action or inactions that relates to the member's employment with the Bridgeport Police Department.

This requirement to be honest and forthright and not knowingly or willfully departing from the truth applies to all communications: in person, verbal, written, telephonic, electronic or via radio.

Any sworn member of the Bridgeport Police Department may be ordered by the Chief of Police and or his or her designee to respond fully and truthfully to questions about any action taken that relates to the member's employment or position as it pertains to an internal or administrative investigation.

Violation of this section may include discipline up to and including termination and revocation of Police Officer certification within the State of Connecticut. **1.3.38 TRUTHFULNESS**

### **Application of Standards:**

As for the sustained violation policy of truthfulness levied against Sergeant Paul Scillia in his sworn statement to this investigator Sergeant Scillia stated the following. That Sergeant Scillia was asked in his statement if he used any force on Mr. Mendez and he said he did not recall, no. He was asked if he saw anyone strike Mr. Mendez with baton or asp he said, no. He was asked if he struck Mr. Mendez in any way with a boot, a fist, hands, knees, elbows, any object prior to him being handcuffed he said, no. Sergeant Scillia was asked if he struck Mr. Mendez after Mr. Mendez was handcuffed he said, no. Sergeant Scillia said he was not sure of who actually cuffed Mr. Mendez. Sergeant Scillia also did not document in any of his authored reports that he used any type of force on Mr. Mendez.

#### **Summary of Surveillance Videos Relative to Officer Scillia's Actions**

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were several inconsistencies that were discovered relative the statement provided by Sergeant Scillia.

(View/camera ch06, segment 222942-224634) At 10:29:57 Sergeant Scillia with his right hand appears to punch Mr. Mendez while he is on the ground, at this point in the video it is believed Mr. Mendez is not yet handcuffed.

(View/camera ch06, segment 222942-224634) At 10:29:58 Sergeant Scillia appears to kick or stomp on Mr. Mendez using his right leg. Sergeant Scillia then steps into the group of Officers who have circled Mr. Mendez, attempting to take control of Mr. Mendez while he is on the ground. (View/camera ch06, segment 222942-224634) At 10:30:33PM it appears Sergeant Scillia thrusts forward with a left-handed punch and a right legged stomp striking Mr. Mendez while he is handcuffed and lying on the ground. Sergeant Scillia maintains this position observing Officers during the arrest Mr. Mendez to its conclusion.

Sergeant Scillia was specifically asked did he strike Mr. Carmelo Mendez, and he stated "no." *Part one Page 10, Line 435-437.* Sergeant Scillia was specifically asked did he strike Mr. Carmelo Mendez after he was handcuffed, and he stated "no." *Part one Page 10, Line 443-445.* Sergeant Scillia was specifically

asked did he strike Mr. Mendez in any way with a boot, a fist, hands, knees, elbows, any object prior to him being handcuffed, and Sergeant Scillia stated "no" Part one, Page 12-13, line 538-541

Although Sergeant Scillia stated in his statement that the only contact he had with Mr. Mendez was hooking his arm around Mr. Mendez to pull him up. Part one Page 6, line 257. In the video narrated by and provided by Mr. Mendez, Mr. Mendez clearly describes the actions of Sergeant Scillia showing exactly when Sergeant Scillia apparently applying force outside of acceptable reasonable practices as outlined by the Bridgeport Police Department Policy and Procedures Handbook on several occasions debunking Sergeant Scillia's statement that he was just observing the arrest of Mr. Mendez's.

### **Conclusion:**

Sergeant Scillia, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and statements. Compounded when compared with the evidence produced by the video and the statement of Mr. Mendez.

The evidence and testimony support violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.3.38 (*Truthfulness*).

Having determined that Sergeant Scillia violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of Department Rules 1.1.6 Appendix A-Oath of Office, 1.1.7. Law Enforcement Code of Ethics, 1.17.1 Primary Responsibilities of a Police Officer, 1.1.7.2 Performance of the duties of a Police Officer, 1.1.7.4 Use of Force, 1.1.7.6 Integrity, 1.2.18, Authority and Responsibility, 1.2.21 Supervisor Accountability, 1.3.3.5 Supervising Officer, 1.3.12 Incompetence, 1.3.21 Unbecoming Conduct, 1.3.29 Public Contact, 1.3.34 Departmental Reports / Official Correspondence, 1.3.38, Truthfulness 3.7.1 Use of Force, 3.7.1.1 Definitions, 3.7.1.17 Situations requiring a Use of Force Report, 3.7.3 Prisoner Transportation, 3.8.2 Policy Holding Facility, 1.3.5 Violation of rules, 1.3.6 Conformance to Rules/Regulations.

### **3. Sergeant Paul Scillia Issue # 3 Failure to supervise:**

**This issue presented to the Office of Internal affairs specifically concerning Sergeant Paul Scillia is whether Sergeant Scillia's duty to intervene was within clearly established policies/procedures and legal standards set forth by the Bridgeport Police Department.**

#### **Applicable Standards:**

Law Enforcement Code of Ethics 1.1.7 All law enforcement officers must be fully aware of the ethical responsibilities of their position and must constantly strive to live up to the highest standards of professional policing. Authority and Responsibility 1.2.18 Supervisors are given full authority to make decisions necessary for the effective execution of their responsibilities. It is also understood that all employees are accountable for the use of delegated authority as well as the failure to use it.

Supervisor Accountability 1.2.21 All supervisory personnel shall be held accountable for the performance of employees under their immediate control. Supervising Officer 1.3.3.5 A supervising officer is one who, through rank or appointment, is responsible for the actions of one or more subordinates. Supervising officers personally observe the work and actions of those subordinates for whom they are responsible and react accordingly to the needs of commendation, training or correction.

When interviewed by this investigator Sergeant Scillia was asked if he observed any officer strike Mr. Mendez while he was uncuffed or while handcuffed. Sergeant Scillia responded "no" Part one Page 10, line 439-441.

Sergeant Scillia stated during his interview, "all I remember is the guy going to the ground and officers piled on him and I couldn't get in there to help because there was no room, so I went back to where his feet were and didn't know what else to do other than keep security for the officers so nobody from the back came running in or one of his relatives showed up drunk trying to jump on the officers. Sergeant Scillia stated that's when I heard that gun - gun - gun. I got the gun," shortly thereafter. And officers got off him and he was just lying there." (Part one, Page 9, line 372-380)

Sergeant Scillia did not appear to attempt to separate Officers from Mr. Mendez, especially when Officer Stanitis knelt near Mr. Mendez's head, not once, but twice and appeared to be striking Mr. Mendez who received serious injury to his head nor did Sergeant Scillia inquire on how the injuries to Mr. Mendez's head were sustained. Sergeant Scillia was personally involved in the arrest of Mr. Mendez, through his own admission Sergeant Scillia indicated he was not able to get in to help in the incident because there was no room, so he went back to where his (Mr. Mendez's) feet were and didn't know what else to do.

Sergeant Scillia who assisted in picking up Mr. Mendez from the ground, when asked by this investigator, as he helped Mr. Mendez up, did he see if he had any injuries, and he stated "No" Part one, Page 13, line 580-583.

Sergeant Scillia was then asked by this investigator did he remember if Mr. Mendez had any injuries and Sergeant Scillia stated "I don't remember." Part one, Page 13-14, line 585-587.

Sergeant Scillia's is captured on video from 316 Colorado Avenue helping Mr. Mendez up of the ground standing on Mr. Mendez's left side, the same side Mr. Mendez received most of his injuries on the temple.

Sergeant Scillia was asked during his interview if he himself called for the medics and he stated "No." Sergeant Scillia was asked did he ask any of his officers if anyone needed medical attention and he stated "No." Part one, Page 18, line 796-802.

Sergeant Scillia stated when he walked on scene he asked officers is everyone okay but didn't ask if anyone needed medics because as far as the people being arrested they were already in cars and didn't seem like they needed the medics at the time because they were yelling a lot of profanity. However, Mr. Mendez who received the more severe injury was not in a car when Sergeant Scillia arrived on scene. In fact, Sergeant Scillia was present during the arrest of Mr. Mendez and assisted helping him up off the ground. Part one, Page 19, line 814-819

Sergeant Scillia was asked if he wrote any of what happened or what he observed at 316 Colorado Avenue and he stated "No." Part one, Page 19, line 821-824 Based on the video, the audio statements, Sergeant Scillia's not separating the Officers from Mr. Mendez, not inquiring how Mr. Mendez sustained his injuries and not offering medical attention to injured persons, in particular Mr. Mendez, he failed to supervise a scene of such magnitude.

## **Conclusion:**

Based on all documentation, reports, video, and signed sworn statements Sergeant Scillia was a supervising authority for this occurrence. This investigator having found omissions, inaccuracies, and statements which were simply not true additionally substantiates the violations of Policy 1.3.3.5 Supervising Officer.

Having determined that Sergeant Scillia violated the aforementioned policies and procedures based on factual information, additionally substantiates a basis for violations of Department Rules 1.1.6 Appendix A-Oath of Office, 1.1.7. Law Enforcement Code of Ethics, 1.17.1 Primary Responsibilities of a Police Officer, 1.1.7.2 Performance of the duties of a Police Officer, 1.1.7.4 Use of Force, 1.1.7.6 Integrity, 1.2.18, Authority and Responsibility, 1.2.21 Supervisor Accountability, 1.3.3.5 Supervising Officer, 1.3.12 Incompetence, 1.3.21 Unbecoming Conduct, 1.3.29 Public Contact, 1.3.34 Departmental Reports / Official Correspondence, 1.3.38, Truthfulness 3.7.1 Use of Force, 3.7.1.1 Definitions, 3.7.1.17 Situations requiring a Use of Force Report, 3.7.3 Prisoner Transportation, 3.8.2 Policy Holding Facility, 1.3.5 Violation of rules, 1.3.6 Conformance to Rules/Regulations.

The following violations of Policy and Procedure are sustained relative to Sergeant Scillia.

### **1.2.18 AUTHORITY AND RESPONSIBILITY**

BPD is an organization with an assignment of responsibility and accountability throughout the rank structure. The organizational structure, set forth by the Board of Police Commissioners in the Table of Organization, establishes authority and responsibility for members to carry out their duties.

Supervisors are given full authority to make decisions necessary for the effective execution of their responsibilities. It is also understood that all employees are accountable for the use of delegated authority as well as the failure to use it.

### **1.2.21 SUPERVISOR ACCOUNTABILITY**

All supervisory personnel shall be held accountable for the performance of employees under their immediate control.

#### **1.3.3.5 SUPERVISING OFFICER**

A supervising officer is one who, through rank or appointment, is responsible for the actions of one of more subordinates. Supervising officers personally observe the work and actions of those subordinates for whom they are responsible and react accordingly to the needs of commendation, training or correction.

#### **4. Sergeant Paul Scillia: Booking Incident (Count #2) Issue # 2 Use of Force:**

Sergeant Paul Scillia stated on October 21, 2017 after he cleared the scene at 316 Colorado Avenue, he responded to Booking to assist officers. Sergeant Scillia stated when he arrived he observed all the people that were arrested at 316 Colorado inside of Booking. Sergeant Scillia stated some of the arrested parties were in the cell and some standing out in front of the desk and it was chaotic for booking. Sergeant Scillia stated people were yelling and calling the officers names.

Sergeant Scillia stated at some point he went up into the male holding cells to assist Detention Officer Figueroa with an arrested person (Peter Diaz). Sergeant Scillia stated Mr. Diaz was giving Detention Officer Figueroa a hard time. Sergeant Scillia stated they were going to shackle Mr. Diaz's ankles, but one ankle could not be shackled because it was swollen. Sergeant Scillia stated he thought the medics strapped Mr. Diaz in a stair chair, but he observed one of the straps; the buckle was not attached because it was hanging. He saw it hanging and it was one that went across his chest and thought, that is not good. As soon as he saw it he addressed the issue and reattached it. Sergeant Scillia stated he went to snug it in, "to make sure he does not; there was no play, so it does not loosen up." In doing so unfortunately there was more give in the belt than he thought, he ended up going to snug it up and his hand made contact with his (Mr. Diaz) face.

Sergeant Scillia was asked if anything else happen other than the strap hitting his (Mr. Diaz) face by mistake or his hand. He said yes, he went to move around him and his feet brushed into his (Mr. Diaz) feet. Sergeant Scillia stated this was a mistake. He explained that in the block at cell seven, there is a hand railing for the walk down the ramp and so that no one falls over and down to the lower cell block area. Sergeant Scillia stated he wanted to move around Mr. Diaz and the medics and there was not a lot of space, and he ended up, brushing into his (Mr. Diaz) feet, with his (Sergeant Scillia) feet. Sergeant Scillia was asked if Mr. Diaz was being belligerent and uncooperative with him, he said yes, he was being belligerent.

The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Sergeant Paul Scillia was reasonable and based on the facts known to Sergeant Paul Scillia at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

#### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and

Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Sergeant Paul Scillia found himself on October 21, 2017 ultimately developed into a questionable scene. Incident was reported on the same night to the Office of Internal Affairs.

Sergeant Scillia articulates he struck Mr. Diaz in the face with a strap while attempting to secure Mr. Diaz in a stair chair. Sergeant Scillia also articulates he brushed Mr. Diaz feet with his own feet by mistake as he tried to get around in a tight area at cell #7. (Mr. Diaz had a broken left leg at the time).

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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.

Sergeant Scillia stated he observed one of the straps; the buckle was not attached because it was hanging. He saw it hanging and it was the strap that went across Mr. Diaz's chest. Sergeant Scillia stated as soon as he saw it he addressed the issue and reattached it. Sergeant Scillia stated as he snugged it in, to make sure there was no play and it does not loosen up. He stated in doing so unfortunately there was more give in the belt than he thought, and he ended up making contact with Mr. Diaz's face with his hand. Sergeant Scillia also stated he wanted to move around Mr. Diaz, there was not a lot of space, and as he went to move around him he ended up, brushing into Mr. Diaz's feet with his own feet.

Based on the video from behind the booking desk which has audio Sergeant Paul Scillia engaged in conduct that was not acceptable police practices and procedures. Sergeant Scillia then begins to justify his conduct with Mr. Diaz to Detention Officer Figueroa and Detention Officer Firpi by explaining what he had done while in the male cell block with Mr. Diaz. Sergeant Scillia states the following at 11:55:29: "Yeah, my hand slipped and hit him in the face by accident, when I was putting the seat belt on, so you know". Sergeant Scillia then pats Detention Officer Figueroa on the back. Sergeant Scillia then explains the following: "and I then tripped, and my foot tripped right into his bad ankle, I didn't mean to, it was very tight", Detention Officer Figueroa exhaled and Sergeant Scillia says to Detention Officer Figueroa, "they get under your skin".

Sergeant Scillia conveyed that Mr. Diaz was being belligerent and uncooperative with him. Sergeant Scillia stated he did not remember what Mr. Diaz was saying, he just knew he was not a very nice person. Sergeant Scillia was asked if Mr. Diaz upset him or if he was upset because of the way Mr. Diaz was acting he said no.

In the video footage captured of this incident, it does not appear as if the strap Sergeant Scillia attempted to tighten struck Mr. Diaz's face by mistake. It appears Sergeant Scillia deliberately struck Mr. Diaz in the face and used the strap tightening as an excuse to strike Mr. Diaz. Sergeant Scillia had a firm two hand grip on the strap. At no time in the captured video did the strap appear to slip from Sergeant Scillia's hands as he described. Sergeant Scillia also tightened the strap in an upward (vertical) motion toward Mr. Diaz's face, ultimately contacting the face of Mr. Diaz, rather than sideways (horizontal) across the body technic which appeared to be the proper way.

Sergeant Scillia has proffered that he did not deliberately strike Mr. Diaz in the face, he only tried to secure the strap the medics appeared to leave undone.

Also (View/camera PD1-6 BOOKING DESK BEHIND) at 11:55:31 Sergeant Scillia shuts the door behind Mr. Diaz as he leaves with the medics and is heard in what appears to be a sarcastic voice saying good bye to Mr. Diaz adding he hopes Mr. Diaz feels better and wishing the medics good luck with Mr. Diaz prior to shutting the door behind him.

## **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Based on the Booking Videos obtained, this particular video captured several different views around the Booking Cell block, cell # 6 and #7 and front desk area during the incident on October 21, 2017.

Sergeant Scillia wrote in his authored report that on the above date, about 2330 hours he was assisting the Booking Staff with a belligerent Prisoner who was in Cell 7 who needed to go to the hospital due to a complaint of injuries. As the Medics were attempting to seat this Prisoner Diaz, Peter [REDACTED] - CGS Sec... in a Stair Chair one of his seat belts became unfastened. Seeing this he reattached the plastic buckle, but the belt was still loose. He tried to tighten up the belt across his body, so he wouldn't fall out of said chair once in motion. He used his right hand and as it was tightening the belt had more give than he thought, and his hand slipped causing the outside of his right hand to come in contact (bumping) into Diaz's chin area. No injury occurred. Diaz accused him of striking him. It was obviously him continuing to be belligerent.

Then the Medics began to move the chair in the tight area between Cell 7, and the ramp area, Diaz was in. Believing they were moving him one way, he began to step in another direction and his right foot accidentally made contact with his feet. Again, Diaz accused him of kicking him. Diaz then left for medical treatment."

Sergeant Scillia claimed both in his report and statement that he used his right hand and as it was tightening the belt had more give than he thought, and his hand slipped causing the outside of his right hand to come in contact (bumping) into Diaz's chin area. It is clearly shown on the video however, that it did not appear as if the strap Sergeant Scillia attempted to tighten struck Mr. Diaz's face by mistake. It appears Sergeant Scillia deliberately struck Mr. Diaz in the face and used the strap tightening as an excuse to strike Mr. Diaz.

Sergeant Scillia also claimed the Medics began to move the chair in the tight area between Cell 7, and the ramp area, Diaz was in. Believing they were moving him one way, he began to step in another direction and his right foot accidentally made contact with his feet. Note: The area Sergeant Scillia described as being "tight" is approximately in excess of seven feet of maneuverable space from the threshold of cell #7 to the ramp area.

In addition, (View/camera PD1-6 BOOKING DESK BEHIND) At 11:54:31 Mr. Diaz is wheeled into the booking area Sergeant Scillia, Officer Pecirep, Officer Manning and Detention Officer Figueroa and Firpi and the medics are present. At 11:55:15 Mr. Diaz is wheeled out of booking by the medics. As Mr. Diaz is wheeled out Sergeant Scillia begins to ridicule Mr. Diaz in a sarcastic tone with the following remarks: "Have fun sir, hope you feel better, I hope you feel better pal, see you later buddy."

(View/camera PD1-6 BOOKING DESK BEHIND) At 11:55:31 Sergeant Scillia shuts the door behind Mr. Diaz as he leaves with the medics. Sergeant Scillia then begins to justify his conduct with Mr. Diaz to Detention Officer Figueroa and Detention Officer Firpi by explaining what he had done while in the male cell block with Mr. Diaz. "Yeah, my hand slipped and hit him in the face by accident, when I was



putting the seat belt on, so you know". Sergeant Scillia then pats Detention Officer Figueroa on the back. Sergeant Scillia then explains the following: "and I then tripped, and my foot tripped right into his bad ankle, I didn't mean to, it was very tight", Detention Officer Figueroa exhaled and Sergeant Scillia says to Detention Officer Figueroa, "they get under your skin".

Sergeant Scillia was asked if he thought it was proper for him to wave goodbye to Mr. Diaz and to say he hoped he feels better and stuff like that. He said no he should have known better.

Based on documentation, reports, videos and statements obtained throughout the course of the investigation and after careful and thorough review, it is concluded that Sergeant Paul Scillia's conduct violated several Bridgeport Police Policy and Procedures / Rules and Regulations.

During Sergeant Scillia's encounter with Mr. Diaz Sergeant Scillia claimed both in his report and statement that he used his right hand to secure and tighten a strap on the stair chair. Sergeant Scillia stated as he was tightening the belt it had more give than he thought, and his hand slipped causing the outside of his right hand to come in contact (bumping) with Diaz's chin area. It is clearly shown on the video however, that it did not appear as if the strap Sergeant Scillia attempted to tighten struck Mr. Diaz's face by mistake. It appears Sergeant Scillia deliberately struck Mr. Diaz in the face and used the strap tightening as an excuse to strike Mr. Diaz.

In addition, (View/camera PD1-6 BOOKING DESK BEHIND) At 11:54:31 Mr. Diaz is wheeled into the booking area. Sergeant Scillia, Officer Pecirep, Officer Manning, Detention Officer Figueroa, Detention Officer Firpi and the medics were present. At 11:55:15 Mr. Diaz is wheeled out of booking by the medics. As Mr. Diaz is being wheeled out Sergeant Scillia begins to ridicule Mr. Diaz in a sarcastic tone with the following remarks: Have fun sir, hope you feel better, I hope you feel better pal, see you later buddy.

(View/camera PD1-6 BOOKING DESK BEHIND) At 11:55:31 Sergeant Scillia shuts the door behind Mr. Diaz as he leaves with the medics. Sergeant Scillia then begins to justify his conduct at cell 7 in reference to Mr. Diaz to Detention Officer Figueroa and Detention Officer Firpi by explaining what he had done while in the male cell block with Mr. Diaz. Sergeant Scillia states the following at 11:55:29: "Yeah, my hand slipped and hit him in the face by accident when I was putting the seat belt on, so you know". Sergeant Scillia then pats Detention Officer Figueroa on the back. Sergeant Scillia then explains the following: "and I then tripped, and my foot tripped right into his bad ankle, I didn't mean to, it was very tight", Detention Officer Figueroa exhaled and Sergeant Scillia says to Detention Officer Figueroa, "they get under your skin".

Sergeant Scillia was asked if he thought it was proper for him to wave goodbye to Mr. Diaz and to say he hoped he feels better and stuff like that. He said no he should have known better.

## **OIA Conclusion**

The purpose of this interview was to determine whether the conduct of Sergeant Paul Scillia was appropriate under the Policies of Bridgeport Police Department. The use of force used by the Sergeant Paul Scillia was excessive, unnecessary and unreasonable based on the facts and circumstances gathered from statements provided to the Office of Internal Affairs coupled with information obtained during this investigation and video evidence which was collected throughout the development of this investigation.

Bridgeport Police Policy 2.7.5.1 **Defines** "Corruption/Serious Misconduct:" Criminal activity or serious misconduct of any kind including the unjustified use of excessive force or perjury that is committed by a member of the service whether on or off-duty.

**Bridgeport Police Policy 3.7.1 "Use of Force" states:** Police officers shall use only that force that appears reasonably necessary to effectively bring an incident under control while protecting the lives of the officers or another as per CGS 53a-22. Law permits the use of force under certain conditions, and a police officer is authorized to exercise force in those circumstances. The unnecessary use of force is contrary to law and places the Department in a position of civil liability and places the officer in a position of civil and criminal liability; therefore, the unnecessary use of force is prohibited. Members of BPD are strictly prohibited from the use of excessive physical force against any individuals engaged in non-violent civil rights demonstrations. Police officers are entitled to enter the Continuum at that level that they reasonably believe is necessary to control the situation and accomplish their lawful purpose. Police officers are required to de-escalate within the continuum when they reasonably believe control may be maintained and their lawful purpose is accomplished by such a lesser degree of force. However, police officers are never required to place themselves or third persons in a situation that exposes them to an unreasonable risk of danger or injury.

**Bridgeport Police Policy 3.7.1.2 Defines "Reasonable Non-Deadly Force:** An officer is justified in using reasonable non-deadly force on another person when and to the extent the officer reasonably believes it is necessary to: 1) Effect an arrest or prevent an escape from custody of a person whom the officer reasonably believes to have committed an offense, unless the officer knows that the arrest or custody is unauthorized. 2) Defend himself or a third party from the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent escape (CGS53a-22). 3) To thwart the acts of another who the officer reasonably believes is about to commit suicide or to inflict serious physical injury upon himself (CGS 53a-22).

An inherent responsibility of a police officer is to take action based on facts and circumstances then known to that officer at the time of incident and, to promote public safety and wellbeing for all concerned. Police Officers are trained and furthermore, conduct themselves in light of those reasonable responsibilities, within the confines of the law, on a daily if not minute by minute basis. Officers are not expected, nor is it reasonable to request that their actions be perfect in hind sight. Rather, they must make their decisions based on the facts as they existed, or as they believed existed at the time a decision is made. A test to evaluate the reasonableness is objective in nature and is based upon what a reasonable, well trained police officer would believe to be true from the prudent and cautious standpoint of the skilled and experienced officer at the scene.

Sergeant Paul Scillia in this case engaged in conduct that did not in line itself with acceptable police practices and procedures, in light of the facts known to him, in relation to his conduct while in the booking aiding the medics with Mr. Peter Diaz.

After reviewing all statements, investigative reports, documents available, coupled with the information provided by video evidence, the undersigned Sergeant concludes that there is substantial evidence to support the position to an objectively reasonable person Sergeant Paul Scillia did not conducted himself properly with respect to his use of Reasonable Non-Deadly Force. The force used by Sergeant Paul Scillia was excessive, unnecessary and unreasonable in relation to Mr. Diaz. Sergeant Scillia actions are extraordinarily inconsistent with generally accepted police practices and procedures, as well as existing law and regulations. Due to the perceived danger of officers and Sergeant Paul Scillia, Sergeant Paul Scillia use of Reasonable Non-Deadly Force was unjustified and not consistent with the Bridgeport Police Policy and Procedures.

Sergeant Paul Scillia is authorized to use force and is responsible for the extent to which he exercises it

thus making him solely responsible for his own actions and that of his subordinates under his immediate direction. Based on the statement of Sergeant Paul Scillia coupled with the facts and circumstances revealed and obtained during the course of this investigation, it is the determination of this office that the preponderance of evidence has been substantiated to conclude that Sergeant Paul Scillia undoubtedly violated the following Bridgeport Police Policy and Procedures/Rules and Regulations:

#### **1.1.7.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from apply the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

## **Sergeant Paul Scillia**

### **1.1.6 Appendix A - Oath of Office**

#### **1.1.7. Law Enforcement Code of Ethics**

##### **1.1.7.1 Primary Responsibilities of a Police Officer**

##### **1.1.7.2 Performance of the Duties of a Police Officer**

##### **1.1.7.4 Use of Force**

##### **1.1.7.6 Integrity**

##### **1.2.18 Authority and Responsibility**

##### **1.2.21 Supervisor Accountability**

##### **1.3.3.5 Supervising Officer**

##### **1.3.4 Knowledge of Department Rules and Regulations**

##### **1.3.5 Violation of Rules**

##### **1.3.6 Conformance to Rules/Regulations**

##### **1.3.12 Incompetence**

##### **1.3.21 Unbecoming Conduct**

##### **1.3.29 Public Contact**

##### **1.3.34 Departmental Reports / Official Correspondence**

##### **1.3.38 Truthfulness**

#### **3.7.1 Use of Force**

##### **3.7.1.1 Definitions**

##### **3.7.1.17 Situations requiring a Use of Force Report**

#### **3.7.3 Prisoner Transportation**

#### **3.8.2 Policy Holding Facility**

## 1. Officer Michael Stanitis: Issue # 1 Use of Force:

Officer Michael Stanitis stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out by units on scene needing help. The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Officer Michael Stanitis was reasonable and based on the facts known to Officer Michael Stanitis at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

### Applicable Standards:

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by Graham v. Connor.

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manuel. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority Case Law which consist of Graham v. Connor, Kingsley v. Hendrickson, Tennessee v. Garner and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person, based on Officer Stanitis' actions captured on video and he denying he was not able to reach Mr. Mendez during his arrest in his recorded statement, could logically conclude that officer Michael Stanitis was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Officer Stanitis is seen on video taking what appears to be an object from his duty belt, then kneeling near the head of Mr. Mendez and strike him several times with what appeared to be downward strikes. Officer Stanitis was observed on video utilizing this behavior on two occasions during the arrest of Mr. Mendez. Officer Michael Stanitis in his application appears to rely on what appears to be striking Mr. Mendez with an object which in contrast is outside the scope of Training, Graham v. Connor and the Policies of the Bridgeport Police Department in regard to Use of Force.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017.

(View/camera ch06, segment 221251-222942) At 10:28:04PM (time stamp on video) Officer Michael Stanitis is walking past a gate midway into the driveway of 316 Colorado Avenue and helps Officer Sherback arrest Mr. Fernando Morales by removing him from the rear yard at 10:28:18PM (time stamp on video). Officer Stanitis in his statement stated Officer Pires completed a use of force form which included the force used by him and Officer Pires to affect the arrest of Mr. Fernando Morales. The force used to arrest Mr. Fernando Morales was documented by Officer Pires. Officer Stanitis stated he read the use of force report and it was accurate.

(View/camera ch06, segment 222942-224634) At 10:29:48PM (time stamp on video) Officer Michael Stanitis enters the rear of the home by the driveway and is present at the beginning and during the arrest of Mr. Carmelo Mendez. Officer Stanitis is observing other Officers attempting to arrest Mr. Mendez at 10:29:53PM. The video clearly shows Officer Stanitis remove an item from his duty belt on the left rear side of his body at 10:29:55PM and look in the direction of Lieutenant Sapiro. While positioning himself toward the bottom of the group of Officers near Mr. Mendez's head. Officer Stanitis in his statement stated that he neither took anything off of his belt (*Part II, Pages 12-3, Lines 562-4*), nor did he put anything onto his belt (*Part II, Pages 12-3, Lines 574-6*).

Officer Stanitis then positions himself between Officer Silva to his right and Officer Hernandez to his left and Detective Fortes who is in front of Officer Stanitis on the other side of Mr. Carmelo Mendez. All the Officers are on the ground with Mr. Mendez and all appear to be in direct contact with Mr. Mendez who is lying on the ground.

(View/camera ch06, segment 222942-224634) At 10:30:01PM (time stamp on video) a flash of light is seen directly under the torso of Officer Michael Stanitis (appears to be his flashlight) now in his hand. At 10:30:03 Officer Stanitis kneels between Officer Silva and Officer Bobby Hernandez and appears to rapidly move his right arm back and forth in a thrusting motion toward the head area of Mr. Mendez. It appears Officer Stanitis is striking Mr. Mendez although contact cannot be seen. At 10:30:06 Officer

Stanitis stands up and briefly looks in the direction of Lieutenant Sapiro again then goes back down in a kneeling posture between Officer Silva to his right and Officer Hernandez to his left. At 10:30:07 a viewer can see Officer Stanitis rapidly move his right arm again several times towards the head area of Mr. Mendez appearing to strike Mr. Mendez although contact cannot be seen.

(During his statement Officer Stanitis was asked if other than the individual (Fernando Morales), had he gone hands on with anyone else. Officer Stanitis replied, no, he attempted to assist. After they got this guy (Fernando Morales) in a car he walked to the back to check to see where his partner was. He saw a group of officers struggling with somebody (Carmelo Mendez). He heard an officer yell, "Gun." He attempted to assist. All he did was see officers he could not even see the guy (Carmelo Mendez). Officer Stanitis tried to get into assist with handcuffing him, and he could not, due to his angle he could not even get his (Carmelo Mendez) arms, then that was it, and he backed away, and they left shortly after that. *(Part I, Pages 11, Lines 464-471)*)

(During his statement Officer Stanitis was asked, what he saw, and what he did, while he was in the crowd, he replied, he did not see much. He saw cops to the left of him, and to the right of him, and like above him, and in front of him, they were on top of him (Carmelo Mendez). He then saw a small portion of the guy's (Carmelo Mendez) back. Officer Stanitis stated, he was trying to pull him, and remembers just trying, to get his arm. Officer Stanitis could not reach over him (Carmelo Mendez) because there was no leverage. There was no way he could assist, and he really felt like he was in the way at that point, so he just backed away from the whole situation and let the other officers handle it. *(Part I, Pages 11, Lines 480-486),*

(Officer Stanitis was asked if he saw anyone strike this individual (Carmelo Mendez) he said, no. Officer Stanitis was asked if he struck this individual, he said, no. Officer Stanitis was asked if he saw injuries on this individual, he said, no, he could not even see him at all. *(Part II, Page 3 Lines 102-122)* Officer Stanitis denied being able to see Mr. Mendez, however is seen on video captured at 316 Colorado Avenue kneeling down, not once, but twice between Officers toward Mr. Mendez who was laying on the ground and appears to be striking Mr. Mendez.

At 10:30:09 Officer Stanitis stands and walks away from his kneeling position, replaces the item consistent with where officers commonly carry their flash light, onto his duty belt on the left side of his body with his left hand and appears to secure the item. During his statement Officer Stanitis stated he neither took anything off of his belt *(Part II, Pages 12-3, Lines 562-4)*, nor did he put anything onto his belt *(Part II, Pages 12-3, Lines 574-6)*.

(Officer Stanitis was asked, if while in the pile, he could only see the individuals (Carmelo Mendez) back, he stated, yes, like a section of his back. Officer Stanitis was asked if he was closer to his head, or closer to his feet, he responded, he believed, he was closer to his head. Officer Stanitis was asked if he was able to see his head at all, *he said, "no, no, poor lighting."* *(Part II, Page 2, line 55)*)

Officer Stanitis was asked how close he was able to get to this individual, Officer Stanitis said, he was close enough to touch him, he was trying, to grab underneath, he was trying, to get his arm, but he was weighted down.

Officer Stanitis was asked if the individual was facing up or facing down when he was down there with him. Officer Stanitis responded, he thought, he was facing downwards, and almost in that direction, in the opposite direction of himself, because his back was to him. He thought, they were trying to get his arms from the other way, he did not know if that makes, he's not being very articulate right now, he was facing mostly down.

Officer Stanitis was asked if he could hear him (Carmelo Mendez), or did he hear anyone telling him anything, barking out any orders to him. Officer Stanitis stated, the thing he remembered hearing was, give me your hands, his hands, get his hands, give me your hands. He also remembers hearing the gun thing then all about the hands, this is when he was going for his arms. *(Part II, Pages 1-2, Lines 44-83)*

At 10:30:17 Officer Stanitis turns his back to the Officers still attempting to arrest Mr. Mendez. At 10:30:21 Officer Stanitis turns back towards the arresting Officers, looks at his right hand and stretches his thumb out twice then rubs his right hand on his pant leg as if he had injured it.

At 10:30:33 Officer Stanitis returns to his original position between Officer Silva and Officer Hernandez and observes the Officers complete the arrest of Mr. Mendez. Officer Stanitis was asked if he saw anyone striking Mr. Mendez, or did he, himself, strike Mr. Mendez and Officer Stanitis stated "No." *(Part II, page 3, line 102-108. Officer Stanitis also stated that he did not see any injuries on Mr. Mendez, offering that he was unable to "even see him at all" (Part II, Page 3, Line 112).* The video shows Officer Stanitis was watching Sergeant Paul Scillia, as Sergeant Scillia delivered two strikes to Mr. Mendez at 10:30:33-10:30:35.

At 10:30:44 Officer Stanitis is present as Mr. Mendez is picked up off the ground and helps escort Mr. Mendez to the front of the house where cameras lose sight of him. Officer Stanitis stated that when Mr. Mendez was lifted off the ground, he himself was standing behind officers, and also that he was not able to see Mr. Mendez well. *(Part II, Page 4, Lines 158-62)* The video however shows Officer Stanitis quickly helping to lift Mr. Carmelo Mendez off the ground, and as such had an unobstructed view as Mr. Mendez was pulled to his feet.

Additional videos of the arrest of Mr. Carmelo Mendez were provided by Attorney Berke (01-25-18 Video received from Att. Berke) which were copies of videos already obtained but now narrated by Mr. Carmelo Mendez. One of the videos marked 20171022\_170415 was of the arrest of Mr. Carmelo Mendez. During this video Mr. Mendez is watching the video while narrating. Mr. Mendez can be heard saying, "him right here, the tall one, look, he put something in his hand, and look he starts hitting me in the face, him right here," Mr. Mendez points to the video with his finger and places it on Officer Michael Stanitis. Mr. Mendez goes on to say, "he (Officer Michael Stanitis) is going to put something in his pocket, his back pocket, his back pocket." Mr. Mendez thought it may have been his handcuffs. Mr. Mendez continues watching and says, and look, this guy, punched me twice (Sergeant Scillia) and again, amazing. (28. 316 Colorado Avenue video clip, Times 32 seconds- 1 minute, 25 seconds)

On 10-23-17 Mr. Mendez signed a consent to search form to extract files from his cellular phone the device is a Samsung SM-J700T Galazy J7. Bridgeport Police Detective James Kennedy performed forensic exam and completed an extraction report.

During the extraction, image 20171022\_145823\_1508700034988 was recovered. This image depicted the left side temple area of Mr. Mendez's face. There were approximately seven circular bruises on the face of Mr. Mendez. In the center of one of the circular bruises there appears to be an "S" imprint in the middle of the bruise. The undersigned investigator finds these bruises to be consistent with the back end of a Streamlight flash light a common flashlight purchased by many Officers. The back end of the Streamlight flashlight is called a tail cap click switch. The click switch is made of a soft plastic/rubber material when depressed turns the flash light on. The plastic/rubber click switch has an "S" insignia stamped engraved in it.

Officer Michael Stanitis' account of the incident that occurred on evening of October 21, 2017 is inconsistent with documentation and video footage or statements obtained by the undersigned.

An inherent responsibility of a police officer is to act based on facts and circumstances then known to that officer at the time of the incident and, to promote public safety and wellbeing for all concerned. Police Officers are trained to conduct themselves considering those reasonable responsibilities, within the confines of the law. Officers are not expected, nor is it reasonable to request that their actions be perfect in hind sight. Rather, they must make their decisions based on the facts as they existed, or as they believed existed at the time a decision is made. The test to evaluate the reasonableness is objective in nature and is based upon what a reasonable, trained police officer on the scene would believe to be true.

Officer Michael Stanitis engaged in conduct which did not conform with acceptable police practices and procedures, in light of the facts known to him, in relation to the events which formed the basis for this investigation. His conduct in and method of interceding in the perceived threat was not consistent with the standards of police behavior reasonably expected under the circumstances.

The facts given by Officer Michael Stanitis during his statement are contrary to material evidence, and inconsistent with video footage. A review of the material by the undersigned investigator in part is based upon the believability of the evidence and the credibility of the witnesses.

The evidence which this investigator relied on heavily included cell phone videos from this incident and videos of home surveillance cameras in addition to cell phone footage captured by Mr. Carmelo Mendez who was injured on scene at 316 Colorado Avenue. The videos revealed the statement of Officer Michael Stanitis was inconsistent with what could be seen on video or derived from a preponderance or gathered evidence.

### **Conclusion:**

Based on documentation, reports, videos and statements obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Michael Stanitis violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

#### **1.1.7.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from apply the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.



## **2. Officer Michael Stanitis: Issue # 2 Truthfulness:**

Upon order of the Chief of Police, the Chief's designee or a superior officer, Officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be constructed to mean that officers must divulge the names of informants.

### **Application of Standards:**

As for the sustained violation policy of truthfulness levied against Officer Michael Stanitis in his sworn statement to this investigator Officer Stanitis stated the following. Officer Stanitis was asked if other than the individual (Fernando Morales), had he gone hands on with anyone else. Officer Stanitis replied, no, he attempted to assist.

After they got this guy (Fernando Morales) in a car he walked to the back to check to see where his partner was. He saw a group of officers struggling with somebody (Carmelo Mendez). He heard an officer yell, "Gun." He attempted to assist. All he did was see officers he could not even see the guy (Carmelo Mendez). Officer Stanitis tried to get into assist with handcuffing him, and he could not, due to his angle he could not even get his (Carmelo Mendez) arms, then that was it, and he backed away, and they left shortly after that. *(Part I, Pages 11, Lines 464-471),*

(During his statement Officer Stanitis was asked, what he saw, and what he did, while he was in the crowd, he replied, he did not see much. He saw cops to the left of him, and to the right of him, and like above him, and in front of him, they were on top of him (Carmelo Mendez). He then saw a small portion of the guy's (Carmelo Mendez) back. Officer Stanitis stated, he was trying to pull him, and remembers just trying, to get his arm. Officer Stanitis could not reach over him (Carmelo Mendez) because there was no leverage. There was no way he could assist, and he really felt like he was in the way at that point, so he just backed away from the whole situation and let the other officers handle it. *(Part I, Pages 11, Lines 480-486),*

(Officer Stanitis was asked if he saw anyone strike this individual (Carmelo Mendez) he said, no. Officer Stanitis was asked if he struck this individual, he said, no. Officer Stanitis was asked if he saw injuries on this individual, he said, no, he could not even see him at all. *(Part II, Page 3 Lines 102-122)*

At 10:30:09 Officer Stanitis stands and walks away from his kneeling position, replaces the item consistent with where officers commonly carry their flash light, onto his duty belt on the left side of his body with his left hand and appears to secure the item. During his statement Officer Stanitis stated he neither took anything off of his belt *(Part II, Pages 12-3, Lines 562-4),* nor did he put anything onto his belt *(Part II, Pages 12-3, Lines 574-6).*

(Officer Stanitis was asked, if while in the pile, he could only see the individuals (Carmelo Mendez) back, he stated, yes, like a section of his back. Officer Stanitis was asked if he was closer to his head, or closer to his feet, he responded, he believed, he was closer to his head. Officer Stanitis was asked if he was able to see his head at all, he said, "no, no, poor lighting." *(Part II, Page 2, line 55)*

Officer Stanitis was asked how close he was able to get to this individual, Officer Stanitis said, he was close enough to touch him, he was trying, to grab underneath, he was trying, to get his arm, but he was weighted down.

Officer Stanitis was asked if the individual was facing up or facing down when he was down there with him. Officer Stanitis responded, he thought, he was facing downwards, and almost in that direction, in the opposite direction of himself, because his back was to him. He thought, they were trying to get his arms from the other way, he did not know if that makes, he's not being very articulate right now, "he was facing mostly down." (*Part II, Page 2, line 75*)

At 10:30:17 Officer Stanitis turns his back to the Officers still attempting to arrest Mr. Mendez. At 10:30:21 Officer Stanitis turns back towards the arresting Officers, looks at his right hand and stretches his thumb out twice then rubs his right hand on his pant leg as if he had injured it.

At 10:30:33 Officer Stanitis returns to his original position between Officer Silva and Officer Hernandez and observes the Officers complete the arrest of Mr. Mendez. Officer Stanitis stated that he did not see anyone striking Mr. Mendez, nor did he, himself, strike Mr. Mendez. Officer Stanitis also stated that he did not see any injuries on Mr. Mendez, offering that he was unable to "even see him at all" (*Part II, Page 3, Line 112*). The video shows Officer Stanitis was watching Sergeant Paul Scillia, as Sergeant Scillia delivered two strikes to Mr. Mendez at 10:30:33-10:30:35.

At 10:30:44 Officer Stanitis is present as Mr. Mendez is picked up off the ground and helps escort Mr. Mendez to the front of the house where cameras lose sight of him. Officer Stanitis stated that when Mr. Mendez was lifted off of the ground, he himself was standing behind officers, and also that he was not able to see Mr. Mendez, well (*Part II, Page 4, Lines 158-62*). The video however shows Officer Stanitis helping to lift Mr. Carmelo Mendez off of the ground, and as such had an unobstructed view as Mr. Mendez was pulled to his feet.

Additional videos of the arrest of Mr. Carmelo Mendez were provided by Attorney Berke (01-25-18 Video received from Att Berke) which were copies of videos already obtained but were narrated by Mr. Carmelo Mendez. One of the videos marked 20171022\_170415 was of the arrest of Mr. Carmelo Mendez. During this video Mr. Mendez is watching the video while narrating. Mr. Mendez can be heard saying, him right here, the tall one, look, he put something in his hand, and look he starts hitting me in the face, him right here, Mr. Mendez points to the video with his finger and places it on Officer Michael Stanitis. Mr. Mendez goes on to say, he (Officer Michael Stanitis) is going to put something in his pocket, his back pocket, his back pocket, Mr. Mendez thought it may have been his handcuffs. Mr. Mendez continues watching and says, and look, this guy, punched me twice (Sergeant Scillia) and again, amazing.

#### Summary of Surveillance Videos Relative to Officer Stanitis' Actions

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were several inconsistencies that were discovered relative to the statement provided by Officer Stanitis.

(Officer Stanitis was asked if he saw anyone strike this individual (Carmelo Mendez) he said, no. Officer Stanitis was asked if he struck this individual, he said, no.

The video clearly shows Officer Stanitis remove an item from his duty belt (consistent with where officers commonly carry their flash light), on the left rear side of his body at 10:29:55PM and look in the direction of Lieutenant Sapiro. While positioning himself toward the bottom of the group of Officers near Mr. Mendez's head. Officer Stanitis in his statement stated that he neither took anything off of his belt (*Part II, Pages 12-3, Lines 562-4*), nor did he put anything onto his belt (*Part II, Pages 12-3, Lines 574-6*). Officer Stanitis then positions himself between Officer Silva to his right and Officer Hernandez to his left and Detective Fortes who is in front of Officer Stanitis on the other side of Mr. Carmelo Mendez. At 10:30:03 Officer Stanitis kneels between Officer Silva and Officer Bobby Hernandez and appears to

rapidly move his right arm back and forth in a thrusting motion toward the head area of Mr. Mendez. It appears Officer Stanitis is striking Mr. Mendez although contact cannot be seen. At 10:30:06 Officer Stanitis stands up and briefly looks in the direction of Lieutenant Sapiro again then goes back down in a kneeling posture between Officer Silva to his right and Officer Hernandez to his left. At 10:30:07 a viewer can see Officer Stanitis rapidly move his right arm again several times towards the head area of Mr. Mendez appearing to strike Mr. Mendez although contact cannot be seen. Officer Stanitis stated in his statement he could not reach over him (Carmelo Mendez) because there was no leverage. There was no way he could assist, and he really felt like he was in the way at that point, so he just backed away from the whole situation and let the other officers handle it. (*Part I, Pages 11, Lines 480-486*),

Officer Stanitis was asked if he saw injuries on this individual, he said, no, he could not even see him at all. (*Part II, Page 3 Lines 102-122*) At 10:30:33 Officer Stanitis returns to his original position between Officer Silva and Officer Hernandez and observes the Officers complete the arrest of Mr. Mendez. Officer Stanitis was asked if he saw anyone striking Mr. Mendez, or did he, himself, strike Mr. Mendez and Officer Stanitis stated "No." (*Part II, page 3, line 102-108*). Officer Stanitis also stated that he did not see any injuries on Mr. Mendez, offering that he was unable to "even see him at all" (*Part II, Page 3, Line 112*). The video shows Officer Stanitis was watching Sergeant Paul Scillia, as Sergeant Scillia delivered two strikes to Mr. Mendez at 10:30:33-10:30:35.

At 10:30:44 Officer Stanitis is present as Mr. Mendez is picked up off the ground and helps escort Mr. Mendez to the front of the house where cameras lose sight of him. Officer Stanitis stated that when Mr. Mendez was lifted off of the ground, he himself was standing behind officers, and also that he was not able to see Mr. Mendez well (*Part II, Page 4, Lines 158-62*). The video however shows Officer Stanitis helping to lift Mr. Carmelo Mendez off of the ground, and as such had an unobstructed view as Mr. Mendez was pulled to his feet.

Additional videos of the arrest of Mr. Carmelo Mendez were provided by Attorney Berke (01-25-18 Video received from Att Berke) which were copies of videos already obtained but were narrated by Mr. Carmelo Mendez. One of the videos marked 20171022\_170415 was of the arrest of Mr. Carmelo Mendez. During this video Mr. Mendez is watching the video while narrating. Mr. Mendez can be heard saying, him right here, the tall one, look, he put something in his hand, and look he starts hitting me in the face, him right here, Mr. Mendez points to the video with his finger and places it on Officer Michael Stanitis. Mr. Mendez goes on to say, he (Officer Michael Stanitis) is going to put something in his pocket, his back pocket, his back pocket, Mr. Mendez thought it may have been his handcuffs.

## **Conclusion:**

Officer Stanitis, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and statements. Compounded when compared with the evidence produced by the video.

The evidence and testimony support the above violations of the Bridgeport Police Department Rules and Regulations brought forward by this undersigned investigator, but most conclusively 1.3.38 (*Truthfulness*).

### **1.3.38 TRUTHFULNESS**

The integrity of police service is based on truthfulness. Member shall be honest and forthright when questioned by a superior officer. No member shall knowingly or willfully depart from the truth in giving testimony, or in creating a written report, affidavit, or statement about any action or inactions that relates to the member's employment with the Bridgeport Police Department.

This requirement to be honest and forthright and not knowingly or willfully departing from the truth applies to all communications: in person, verbal, written, telephonic, electronic or via radio.

Any sworn member of the Bridgeport Police Department may be ordered by the Chief of Police and or his or her designee to respond fully and truthfully to questions about any action taken that relates to the member's employment or position as it pertains to an internal or administrative investigation.

Violation of this section may include discipline up to and including termination and revocation of Police Officer certification within the State of Connecticut.

## **Officer Michael Stanitis**

### **1.1.6 Appendix A - Oath of Office**

### **1.1.7 Law Enforcement Code of Ethics**

#### **1.1.7.1 Primary Responsibilities of a Police Officer**

#### **1.1.7.2 Performance of the Duties of a Police Officer**

#### **1.1.7.4 Use of Force**

#### **1.1.7.6 Integrity**

### **1.3.4 Knowledge of Department Rules and Regulations**

### **1.3.5 Violation of Rules**

### **1.3.6 Conformance to Rules/Regulations**

#### **1.3.12 Incompetence**

#### **1.3.21 Unbecoming Conduct**

#### **1.3.29 Public Contact**

### **1.3.34 Departmental Reports / Official Correspondence**

### **1.3.38 Truthfulness**

### **3.7.1 Use of Force**

#### **3.7.1.1 Definitions**

#### **3.7.1.17 Situations Requiring A Use Of Force Report**

#### **3.7.3.9.3 Physically Injured Or Ill Prisoners**

## **1. Officer Thomas Lattanzio: Issue # 1 Use of Force:**

Officer Thomas Lattanzio stated on October 21, 2017 he responded to 316 Colorado Avenue because a 10-32, "Officer Needs Assistance" incident. The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Officer Thomas Lattanzio was reasonable and based on the facts known to Officer Thomas Lattanzio at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

- a) *This investigator having carefully and with all due attention reviewed all the facts and circumstances in the above referenced matter, finds it incumbent upon this office to express that given the sensitive nature of the separation of service the following issues relative to Officer Lattanzio are presented as issues only to fulfill the requirements of policy and to provide the facts in their contextual entirety. It is with compassion and understanding that the following issues are presented.*

### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

## **II. Tactical Analysis:**

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Thomas Lattanzio found himself on October 21, 2017 ultimately developed into a chaotic scene. The scene reconstruction has proven challenging due to the inability to obtain access to the scene without the cooperation of the home owners and the Unusual Occurrence which was reported on the same night to the Office of Internal Affairs.

Officer Lattanzio related that his primary intention was to get inside the house to see if any officers were in a physical fight. Officer Lattanzio then disclosed that the individual that he had arrested, Mr. Jose Alvarado, was barring him from doing that because there was a stairwell that lead up to a deck. According to Officer Lattanzio, when he approached Mr. Alvarado he had his cell phone out and saying, "Oh this is fuckin' ridiculous, you know what you can't be here." (Lattanzio 353-354)

Officer Lattanzio indicates that he told him three or four times that he was going into the house and that he needed to move, and that Mr. Alvarado responded by saying that he was checking on his aunt. Officer Lattanzio claims that he told him that he was not checking for anybody and that he had to go.

Officer Lattanzio stated that Mr. Alvarado started posturing with his body and his upper body and that last thing he needed was a physical fight. Officer Lattanzio imparted that he told Mr. Alvarado that he had to go, or he would be arrested for interfering, but that Mr. Alvarado continued to posture. Officer Lattanzio stated that it was at this point, that he told Mr. Alvarado to put his hands behind his back and that he was under arrest. Officer Lattanzio revealed that he did not know if he should have done that because now he could not have helped the other officers but considering that there were other officers on the way, Officer Lattanzio believed that Mr. Alvarado would have started something if he did not arrest him.

Officer Lattanzio conveyed that after he placed Mr. Alvarado under arrest, he started to posture and tug on him with his body weight and that at that point, he stated that the last thing he needed was a foot chase since he did not know if he was trying to get away. Officer Lattanzio indicated that Mr. Alvarado might have slipped and was pulling so hard that he was leaning over that he slipped too and tapped him on the neck and told him, "Cut the shit, what the fuck man." (Lattanzio 433-434) Officer Lattanzio disclosed that the controlling maneuver worked exceptionally well because Mr. Alvarado stopped doing what he was doing.

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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.

A determination must also be made as to whether the force used complied with the requirements of *Graham v. Connor* as to be objectively reasonable. First, how serious was the offense that the officer suspected at the time the officer used force? Officer Lattanzio in his statement indicates that Mr. Alvarado might have slipped and was pulling so hard that he was leaning over that he slipped too and tapped him on the neck and told him, "Cut the shit, what the fuck man." (Lattanzio 433-434) At the time Officer Lattanzio detained Mr. Alvarado and tapped him on the back of the neck, Officer Sherback was standing next to Officer Lattanzio and Officer Bepko was to the right of Officer Sherback. Both Officer Sherback and Officer Bepko were in direct observation with an unobstructed view.

Based on Officer Lattanzio's statement the force seemed to be premature. Based on the video Mr. Alvarado did not appear to pull away from Officer Lattanzio while being placed under arrest.

Second, did the suspect pose a threat to the officer or any other person present. Officer Lattanzio conveyed that after he placed Mr. Alvarado under arrest, he started to posture and tug on him with his body weight and that at that point, he stated that the last thing he needed was a foot chase since he didn't know if he was trying to get away.

Third, was the suspect actively resisting or attempting to evade arrest by flight. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspect's actions were not of someone attempting to evade arrest. In a thorough review and examination, it is difficult at best to see at any point during the captured incident when Mr. Alvarado was attempting to get away.

In examining the incident and reviewing the video, taking into consideration if and when Mr. Alvarado submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Officer Lattanzio has proffered that the tap on the neck of Mr. Alvarado was to stop him from starting a foot chase.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by *Graham v. Connor*.

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manual. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority Case Law which consist of Graham v. Connor, Kingsley v. Hendrickson, Tennessee v. Garner and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person could logically conclude that officer Thomas Lattanzio was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017.

By reviewing Channel 6, the viewer can observe Officer Lattanzio walking in the backyard at 10:27:48 and immediately walk over the deck area. Officer Lattanzio is then seen pointing and speaking to Mr. Alvarado while at the same time that Mr. Fernando Morales is being walked out by Officer Michael Stanitis and Officers Todd Sherback. Under this channel, a viewer cannot see Mr. Morales bump Officer Lattanzio. Officer Lattanzio then grabs Mr. Alvarado by the left arm and walks him over to the entrance of the driveway.

Officer Lattanzio then pulls Mr. Alvarado's left arm behind his back and starts to handcuff him. Officer Sherback at this point assists Officer Lattanzio in handcuffing Mr. Alvarado. It is at this time, that Officer Lattanzio strikes Mr. Alvarado in the back of the neck twice with an open hand. Note that Officer Douglas Bepko is standing right next to Officer Lattanzio and has a clear view of this incident. Officer Lattanzio walks Mr. Alvarado to the front of the house who is still wearing his glasses.

The undersigned Sergeant sent Mr. Alvarado a correspondence to schedule an interview. Mr. Alvarado never contacted the Office of Internal Affairs nor this investigator.

## **Conclusion:**

### 4.02 Investigating Misconduct and Citizen Complaints

#### **I. Time Limits on Completing Internal Affairs Investigation**

**5. "In the event an Officer separates from service through (death, retirement, resignation, etc.) while their actions are subject to an open Internal Affairs investigation, any such investigation shall immediately cease if there are no other respondents in said investigation. If an investigation occurs in which the separated officer is not the only respondent, the investigation will continue and the disposition relative to the separated officer will be "Separated from Service."**

As of this date, Officer Lattanzio is separated from service with the Bridgeport Police department due to his untimely death.



## **2. Officer Thomas Lattanzio Issue # 2 Truthfulness:**

Upon order of the Chief of Police, the Chief's designee or a superior officer, Officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be constructed to mean that officers must divulge the names of informants.

### **Application of Standards:**

Officer Thomas Lattanzio in his sworn statement to this investigator Officer Lattanzio stated the following. That after he placed Mr. Alvarado under arrest, he started to posture and tug on him with his body weight. Officer Lattanzio indicated that Mr. Alvarado might have slipped and was pulling so hard that he was leaning over, that he slipped too and tapped him on the neck and told him, "Cut the shit, what the fuck man." (Lattanzio 433-434) Officer Lattanzio disclosed that the controlling maneuver worked exceptionally well because Mr. Alvarado stopped doing what he was doing.

#### **Summary of Surveillance Videos Relative to Officer Lattanzio's Actions**

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were several inconsistencies that were discovered relative the statement provided by Officer Lattanzio.

Officer Lattanzio stated that after he placed Mr. Alvarado under arrest, he started to posture and tug on him with his body weight. Officer Lattanzio indicated that Mr. Alvarado might have slipped and was pulling so hard that he was leaning over, that he slipped too and tapped him on the neck. Note that Officer Lattanzio did not document this anywhere in his incident report or his use of force document.

By reviewing the video footage provided by Attorney Berke, a viewer can see Officer Lattanzio strike Mr. Alvarado in the back of the neck two times with an open hand as he is handcuffing him.

### **Conclusion:**

Officer Lattanzio, trusted by the Department and community was less than credible in his testimony beginning with the initial investigation and statements. Compounded when compared with the evidence produced by the video.

#### **4.02 Investigating Misconduct and Citizen Complaints**

##### **I. Time Limits on Completing Internal Affairs Investigation**

**5. "In the event an Officer separates from service through (death, retirement, resignation, etc.) while their actions are subject to an open Internal Affairs investigation, any such investigation shall immediately cease if there are no other respondents in said investigation. If an investigation occurs in which the separated officer is not the only respondent, the investigation will continue and the disposition relative to the separated officer will be "Separated from Service."**

As of this date, Officer Lattanzio is separated from service with the Bridgeport Police department due to his untimely death.

### **3. Officer Thomas Lattanzio Booking Incident (Count # 2) Issue # 2 Use of Force:**

Officer Thomas Lattanzio stated on October 21, 2017 he was processing Mr. Alvarado, Mr. Diaz who was to his left, started to nudge him and that they started to exchange words and Mr. Diaz was saying, "suck my dick, all that stuff." (Lattanzio 1267-1268) Officer Lattanzio indicates that he started to entertain Mr. Diaz trying to patronize him and make light of the situation to appease him. Officer Lattanzio notes that Mr. Diaz kept on doing it a little harder and that he turned to his left and told Mr. Diaz to, "Cut the shit man. Stay away from me man, gimme my space man" (Lattanzio 1272-1273, 1277). Officer Lattanzio disclosed that Mr. Diaz kept nudging him a little harder and that's what prompted him to turn around and say, "Hey listen man, get away from me man" and he, "pushed him with open hands." (Lattanzio 1405 & 1409)

Officer Lattanzio continues that he started doing his paperwork when Mr. Diaz spit in his face which went right in his left eye, nose, and a little in his mouth which caused him not to see for a few seconds. Officer Lattanzio states that his reaction was a fight or flight and that he was afraid something else was going to happen or if Mr. Diaz was going to stab him with a pen and that the last thing he wanted to do was get into an altercation where they are going at it. Officer Lattanzio claims that he did not see Mr. Diaz handcuffed or if he had any injuries on him.

Officer Lattanzio imparts that his reaction / natural instinct was to reach over and lightly tap Mr. Diaz in the face. Officer Lattanzio exclaims that he, "gave him a tap to alert him, like that ain't happening' in here man." (Lattanzio 1577) When asked if he had deliberately struck Mr. Diaz in the face, Officer Lattanzio further explained, "That's where my closed fist touched his left cheek and it wasn't even a strike it was just a little push." (Lattanzio 2007-2008)

The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Officer Thomas Lattanzio was reasonable and based on the facts known to Officer Thomas Lattanzio at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

#### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

## **II. Tactical Analysis:**

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Thomas Lattanzio found himself on October 21, 2017 ultimately developed into a chaotic scene. Incident was reported on the same night to the Office of Internal Affairs.

Officer Lattanzio articulates that he took recourse to protect himself since he did not know what was going to be followed up by Mr. Diaz and that he was protecting himself from being further assaulted. Officer Lattanzio expressed that he was also scared because he did not know what was going to happen next.

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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.

A determination must also be made as to whether the force used complied with the requirements of *Graham v. Connor* as to be objectively reasonable. First, how serious was the offense that the officer suspected at the time the officer used force? Officer Lattanzio articulates that Mr. Diaz spit in his face and he took recourse to protect himself since he did not know what was going to be followed up by Mr. Diaz and that he was protecting himself from being further assaulted.

Based on Officer Lattanzio's statement the force is arguably precipitous at best. Based on the video Mr. Diaz was handcuffed with his hands in front of him at the time Officer Lattanzio punched him in the face.

Second, did the suspect pose a threat to the officer or any other person present. Officer Lattanzio conveyed that Mr. Diaz spit in his face which went right in his left eye, nose, and a little in his mouth which caused him not to see for a few seconds. Note: In the video footage captured of this incident, Mr. Diaz taps Officer Lattanzio on the left shoulder which causes Officer Lattanzio to turn around and push him with his right hand. Officer Lattanzio starts pointing his finger at Mr. Diaz and a few seconds later, again pushes Mr. Diaz. Mr. Diaz reacts by swiping Officer Lattanzio's hand out of the way and they continue to argue.

In the video footage captured of this incident, it did not appear as if Officer Lattanzio vision was impaired for a few seconds. Without hesitation Officer Lattanzio stops the processing of Mr. Alvarado, puts his pen away in his left chest pocket and strikes Mr. Diaz in the left side of his face with a closed fist using his right hand.

Third, was the suspect actively resisting or attempting to evade arrest by flight. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspect's actions were not of someone attempting to evade arrest. In a thorough review and examination, there is no point or reasonable possibility during the captured incident when Mr. Diaz was attempting to get away. Mr. Diaz was already under arrest, handcuffed and in the secured Bridgeport Police Booking facility with many Police and Detention officers present.

In examining the incident and reviewing the video, this investigator has reviewed efforts made to temper the severity of the force response. Officer Lattanzio has proffered that he did not punch Mr. Diaz in the face, he only gave Mr. Diaz a light tap.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by Graham v. Connor.

4. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
5. Did the suspect pose a threat to the officer or any other person present?
6. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manual. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority is Case Law which consist of Graham v. Connor, Kingsley v. Hendrickson, Tennessee v. Garner and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person could logically conclude that officer Thomas Lattanzio was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Based on the Booking Videos obtained, this particular video captured several different views around the Booking front desk area during the incident on October 21, 2017.

Officer Lattanzio wrote in his incident report that during Mr. Diaz's being issued verbal instructions, he spit mucous directly towards his face and the mucous entered his "right" eye and on his face right above his nose area. Note that Officer Lattanzio indicates in his statement that it was the left eye and that the spit blinded him for a few seconds. The booking video shows that Mr. Diaz spits in the left side of Officer Lattanzio's face. Officer Lattanzio reacts by putting his pen away in his left chest pocket and strike Mr. Diaz in the left side of his face with a closed fist.

Officer Lattanzio claimed both in his report and statement that he gave Mr. Diaz a "light tap" to warn Mr. Diaz. Officer Lattanzio in his statement explained, "That's where my closed fist touched his left cheek and it wasn't even a strike it was just a little push." (*Lattanzio Page 45, line 2007-2008*)

It is clearly shown on the video however, that Officer Lattanzio strikes Mr. Diaz in the face causing him to fall to the ground. In his statement, Officer Lattanzio related that he did not remember Mr. Diaz falling to the ground and explained that he was temporarily blinded and that if Mr. Diaz did fall to the ground he does not remember. Note that Officer Lattanzio claims that he was temporarily blinded, however, after he strikes Mr. Diaz, he immediately returns to processing Mr. Alvarado as if nothing happened and he is not seen wiping any mucous off of his face at any time.

In addition, Officer Lattanzio relates that he did not kick Mr. Diaz at any time during their altercation or whether Mr. Diaz was handcuffed. The booking video shows that after Officer Lattanzio strikes Mr. Diaz, he appears to kick him while he is on the ground and the viewer can clearly see that Mr. Diaz is handcuffed to the front.

## **Conclusion:**

### 4.02 Investigating Misconduct and Citizen Complaints

#### I. Time Limits on Completing Internal Affairs Investigation

**5. "In the event an Officer separates from service through (death, retirement, resignation, etc.) while their actions are subject to an open Internal Affairs investigation, any such investigation shall immediately cease if there are no other respondents in said investigation. If an investigation occurs in which the separated officer is not the only respondent, the investigation will continue and the disposition relative to the separated officer will be "Separated from Service."**

As of this date, Officer Lattanzio is separated from service with the Bridgeport Police department due to his untimely death.

#### **4. Officer Thomas Lattanzio Booking Incident (Count #2) Issue # 2 Truthfulness:**

Upon order of the Chief of Police, the Chief's designee or a superior officer, Officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department that may be asked of them. Violation of this section may be grounds for dismissal. This policy shall not be constructed to mean that officers must divulge the names of informants.

#### **Application of Standards:**

Officer Thomas Lattanzio in his sworn statement to this investigator Officer Lattanzio stated the following. In his incident report, Officer Lattanzio imparts that Mr. Peter Diaz, who was standing in booking to his left side, began to deliberately taunt him with simple body nudges and/or by merely brushing his left side with his right arm. Officer Lattanzio indicates in his statement that he started to entertain Mr. Diaz trying to patronize him and make light of the situation to appease him.

Officer Lattanzio indicates in his statement that he started to entertain Mr. Diaz trying to patronize him and make light of the situation to appease him. Officer Lattanzio explained in his incident report that after allowing this to continue for only a short time, he told Mr. Diaz to give him space after he nudged him again in what he believed was a deliberate attempt to physically contact his body.

Officer Lattanzio wrote in his incident report that during Mr. Diaz's being issued verbal instructions, he spit mucous directly towards his face and the mucous entered his "right" eye and on his face right above his nose area. Note that Officer Lattanzio indicates in his statement that it was the left eye and that the spit blinded him for a few seconds.

Officer Lattanzio claimed both in his report and statement that he gave Mr. Diaz a "light tap" to warn Mr. Diaz. Officer Lattanzio in his statement explained, "That's where my closed fist touched his left cheek and it wasn't even a strike it was just a little push." (Lattanzio 2007-2008)

In his statement, Officer Lattanzio related that he did not remember Mr. Diaz falling to the ground and explained that he was temporarily blinded and that if Mr. Diaz did fall to the ground he does not remember. Note that Officer Lattanzio claims that he was temporarily blinded, however, after he strikes Mr. Diaz, he immediately returns to processing Mr. Alvarado as if nothing happened and he is not seen wiping any mucous off of his face at any time. In addition, Officer Lattanzio relates that he did not kick Mr. Diaz at any time during their altercation or whether Mr. Diaz was handcuffed.

#### **Summary of Surveillance Videos Relative to Officer Lattanzio's Actions**

During a subsequent review of the surveillance videos that were provided to the Office of Internal Affairs, there were several inconsistencies that were discovered relative the statement provided by Officer Lattanzio.

By reviewing the Booking video, the first time Mr. Diaz comes into contact with Officer Lattanzio is when he brushes Officer Lattanzio's left arm which causes Officer Lattanzio to push him. Mr. Diaz contact with Officer Lattanzio, however, does not appear to be intentional. Officer Lattanzio then states that Mr. Diaz became verbally abusive, which is verified in the Booking video.

Officer Lattanzio indicates in his statement that he started to entertain Mr. Diaz trying to patronize him and make light of the situation to appease him. In the booking video, you do see Officer Lattanzio speaking and laughing with Mr. Diaz, however, due to all the noise around a viewer cannot tell what Officer Lattanzio is telling Mr. Diaz. Officer Lattanzio explained in his incident report that after allowing this to continue for only a short time, he told Mr. Diaz to give him space after he nudged him again in what he believed was a deliberate attempt to physically contact his body.

Officer Lattanzio wrote in his incident report that during Mr. Diaz's being issued verbal instructions, he spit mucous directly towards his face and the mucous entered his "right" eye and on his face right above his nose area. Note that Officer Lattanzio indicates in his statement that it was the left eye and that the spit blinded him for a few seconds. The booking video shows that Mr. Diaz spits in the left side of Officer Lattanzio's face. Officer Lattanzio reacts by putting his pen away in his left chest pocket and strike Mr. Diaz in the left side of his face with a closed fist. Officer Lattanzio claimed both in his report and statement that he gave Mr. Diaz a "light tap" to warn Mr. Diaz. Officer Lattanzio in his statement explained, "That's where my closed fist touched his left cheek and it wasn't even a strike it was just a little push." (Lattanzio 2007-2008)

It is clearly shown on the video however, that Officer Lattanzio strikes Mr. Diaz in the face causing him to fall to the ground. In his statement, Officer Lattanzio related that he did not remember Mr. Diaz falling to the ground and explained that he was temporarily blinded and that if Mr. Diaz did fall to the ground he does not remember. Note that Officer Lattanzio claims that he was temporarily blinded, however, after he strikes Mr. Diaz, he immediately returns to processing Mr. Alvarado as if nothing happened and he is not seen wiping any mucous off of his face at any time. In addition, Officer Lattanzio relates that he did not kick Mr. Diaz at any time during their altercation or whether Mr. Diaz was handcuffed.

The booking video shows that after Officer Lattanzio strikes Mr. Diaz, he appears to kick him while he is on the ground and the viewer can clearly see that Mr. Diaz is handcuffed to the front.

## **Conclusion:**

### 4.02 Investigating Misconduct and Citizen Complaints

#### I. Time Limits on Completing Internal Affairs Investigation

**5. "In the event an Officer separates from service through (death, retirement, resignation, etc.) while their actions are subject to an open Internal Affairs investigation, any such investigation shall immediately cease if there are no other respondents in said investigation. If an investigation occurs in which the separated officer is not the only respondent, the investigation will continue and the disposition relative to the separated officer will be "Separated from Service."**

As of this date, Officer Lattanzio is separated from service with the Bridgeport Police department due to his untimely death.

## **1. Officer Daniel Faroni: Issue # 1 Use of Force:**

Officer Daniel Faroni stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out. The issue presented to the Office of Internal Affairs is whether the amount of force in this incident applied by Officer Daniel Faroni was reasonable and based on the facts known to Officer Daniel Faroni at the time of the occurrence and within clearly established policies/procedures, and legal standards; or was the force applied outside of these parameters and thereby excessive given the circumstance.

### **Applicable Standards:**

Members of service with the Bridgeport Police Department are required to complete 14 hours of Use of Force Training as part of the basic training curriculum. The training instructional goal of Police Officer Standards Training Council {POST} curriculum states "this course will review legal authorization and constitutional limitations of use of force in performing law enforcement functions".

This force will focus on Constitutional areas, and Supreme Court Cases are identified. The 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments and clearly established laws as it pertains to the "Use Of Force". Specifically, Connecticut General Statute 53a-22 that govern/law enforcement Use of Force, House Bill 7103 Public Act No. 15-4 (An Act Concerning Excessive Use of Force) and the Supreme court case of Tennessee v Garner and Graham v Connor. These areas of the law force curriculum are discussed at length in the Tactical Analysis portion of this investigation.

## **II. Tactical Analysis:**

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Daniel Faroni found himself on October 21, 2017 ultimately developed into a chaotic scene. The scene reconstruction has proven challenging due to the inability to obtain access to the scene without the cooperation of the home owners and the Unusual Occurrence which was reported on the same night to the Office of Internal Affairs.

Officer Faroni further stated upon arrival to the Booking ramp Peter Diaz (suspect) became more belligerent and once out of the car refused to stand and was playing games and just sat down refusing to help get walked in. While on the ramp there was Stratford Police Officer (unknown name) helped Officer Faroni pick Peter Diaz (suspect) up and get him into booking. Peter Diaz (suspect) was not helping and wouldn't walk and was pulling down on Officer Faroni. Officer Faroni along with other police officer had to drag Peter Diaz (suspect) to the booking doors. Peter Diaz (suspect) kept saying "I'm getting my attorney Fitzpatrick, he got me off a murder rap". Once inside he then began to help. Officer Faroni finally got Peter Diaz (suspect) to the booking counter to get him inventoried where he was still argumentative and making a joke out of everything.

In examining the Use of Force in this instance under the requirements of Connecticut General Statute Section 53a-22 a determination must be made as to 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.

A determination must also be made as to whether the force used complied with the requirements of Graham v. Connor as to be objectively reasonable. First, how serious was the offense that the officer suspected at



the time the officer used force? Officer Faroni in his statement indicates Peter Diaz (suspect) became more belligerent and once out of the car refused to stand and was playing games and just sat down refusing to help get walked in.

Officer Faroni acknowledged several times during his statement that he was aware of the fact that Mr. Diaz was injured (*Pages 14-5, Lines 629-31*), (*Page 17, Line 751*), (*Page 30, Line 1312*), however, Officer Faroni, absent any exigency and while aided by at least one additional Officer (from another agency), based on the video, opted to drag Mr. Diaz up the booking ramp and into the sally port area. Officer Faroni stated, Mr. Diaz was dragged part-way up the booking ramp, to a distance of which Officer Faroni estimated to have been only a few feet (*Page 21, Lines 941-43*). Officer Faroni added that Mr. Diaz was given several opportunities to sit and rest as they were getting him into the booking area.

Second, did the suspect pose a threat to the officer or any other person present. Officer Faroni continued on, stating that Mr. Diaz was uncooperative with him, as he and a Stratford Police Officer attempted to aid Mr. Diaz in getting up the booking ramp.

Third, was the suspect actively resisting or attempting to evade arrest by flight. In reference to the 3<sup>rd</sup> prong of *Graham v. Connor* based on all information reviewed by this investigator the suspect's actions were not of someone resisting or attempting to evade arrest. In a thorough review and examination, discernable point during the captured incident when Officer Faroni made efforts to properly escort Mr. Diaz into Booking. Mr. Diaz had an injured left leg which made it difficult for him to run, much less walk up the ramp and into Booking.

In examining the incident and reviewing the video, taking into consideration if and when Mr. Diaz submitted or succumbed to the officer, this investigator has reviewed efforts made to temper the severity of the force response. Officer Faroni has proffered that Mr. Diaz was uncooperative with him.

The Bridgeport Police Department Policy pertaining to the Use of force by a sworn police officer is identified as 3.7.1 Use of Force. Section 3.7.1 Use of force of the Bridgeport Police Department Policy and Procedures is provided in the opening of this report. In addition, this incident lies within the **Three Factors Rule**: As outlined by *Graham v. Connor*.

1. How serious was the offense that the officer suspected at the time that the officer used force? The more serious the offense, the greater the need for apprehension, thus, the greater level of force that may be required.
2. Did the suspect pose a threat to the officer or any other person present?
3. Was the suspect actively resisting or attempting to evade arrest by flight.

Enclosed is the L.O.C.K.U.P. Police Department Training Arrest and Control Manuel. During the L.O.C.K.U.P. lessons students are advised of the deadly force area (Totality of the circumstances) Four targets if struck could be considered to be potentially lethal (Eyes, Throat, Side of Neck Vagus Nerve and Temple).

Exhibit #5a Authority is Case Law which consist of *Graham v. Connor*, *Kingsley v. Hendrickson*, *Tennessee v. Garner* and House Bill No. 7103 Public Act No. 15-4.

This office, as well as any reasonable person could logically conclude that officer Daniel Faroni was in violation of Department Policy 1.1.7.4 Use of force.

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017.

Officer Faroni stated Officer Mazzacco said “This guy’s going, this guy’s going” and pointed to a guy (Mr. Peter Diaz) in a wheelchair. Officer Faroni stated he volunteered to transport him. Officer Faroni continued on, stating that as he was wheeling Mr. Diaz from the rear yard, he was doused with water by an elderly female. Officer Faroni added that he believes another officer arrested the elderly female for throwing water on the Officers. Officer Faroni stated that he continued to wheel Mr. Diaz to his patrol car in order to transport him to booking. *(Page 5, line 190-195)*

Officer Faroni stated that because Mr. Diaz was in a wheelchair, he handcuffed Mr. Diaz in the front; as such it would enable Mr. Diaz to assist in getting in and out, and in the event that Mr. Diaz was to fall, he would be able to catch himself.

Officer Faroni stated that aside from wheeling Mr. Diaz to his patrol car, he used no physical force with anyone on scene at 316 Colorado Avenue.

### **Conclusion:**

Based on documentation, reports, videos and statements obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Daniel Faroni violated the following Bridgeport Police Department’s Policy and Procedures/Rules Regulations:

#### **1.1.7.4 USE OF FORCE**

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from apply the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

## **2. Officer Daniel Faroni: Issue # 2 Failure to Protect Property:**

Officer Daniel Faroni stated on October 21, 2017 he responded to a call at 316 Colorado Avenue because a 10-32 was called out. The issue presented to the Office of Internal Affairs is whether Officer Daniel Faroni was reasonable and based on the facts known to Officer Daniel Faroni at the time of the occurrence and within clearly established policies/procedures, and legal standards; if he properly handled the personal property (wheelchair) of Mr. Diaz given the circumstance.

### **Applicable Standards:**

**3.7.4 Personal Property of Prisoners** This section provides guidelines for the handling of personal property of arrestees who are lodged in the Lockup / Holding Facility of BPD.

BPD policy is to ensure that all sworn members and Detention Officers properly handle the personal property of arrestees.

In a thorough review and examination, there is no discernable point during the captured incident when Officer Faroni made efforts to properly escort Mr. Diaz into Booking. Mr. Diaz had an injured left leg which made it difficult for him to run, much less walk up the ramp and into Booking.

The Bridgeport Police Department Policy pertaining to the protection of Personal Property of Prisoners by a sworn police officer is identified as **3.7.4 Personal Property of Prisoners** This section provides guidelines for the handling of personal property of arrestees who are lodged in the Lockup / Holding Facility of BPD.

BPD policy is to ensure that all sworn members and Detention Officers properly handle the personal property of arrestees.

**1.1.7.1 Primary Responsibilities of a Police Officer** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

### **Application of Standards:**

The Office of Internal Affairs concluded the following information to be factual based on the information that was corroborated and found to be true, accurate, and credible.

Videos obtained, (video name: **10-21-17 316 Colorado Avenue Berke USB**), this particular video captured several different views around the home of 316 Colorado Avenue during the incident on October 21, 2017.

The conclusions reached in this report have been based on the totality of the investigation and the Bridgeport Police Department Policy and Procedure. The incident wherein Officer Daniel Faroni placed Mr. Diaz's wheelchair in the trunk of his police cruiser is captured on (video name: **10-21-17 316 Colorado Avenue Berke USB CH01**). On 10-21-17 at approximately 10:51:00 Officer Faroni is captured on video placing Mr. Diaz's wheelchair into the trunk of his police cruiser. At approximately 10:51:58 Officer Faroni backs

his vehicle up and then begins to drive forward. At this point the wheelchair is captured falling out from the trunk of Officer Faroni's police cruiser. Officer Faroni continued driving away never stopping to retrieve Mr. Diaz's wheelchair. At approximately 10:53:16 an unidentified officer is seen pushing the wheelchair out of the middle of the street toward the curb with his foot. At approximately 10:53:22 Officer Joseph Cruz is seen picking the wheelchair up and walking it to 316 Colorado Avenue where he claimed he left it with a family member.

Mr. Diaz not having his wheelchair made it difficult to walk into Booking. This incident caused Officer Faroni upon arrival to the Booking ramp to drag Peter Diaz (suspect) up the booking ramp and inside the sally port door. Ultimately Peter Diaz was assisted up to one foot and hopped his way into Booking.

Officer Faroni acknowledged several times during his statement that he was aware of the fact that Mr. Diaz was injured (*Pages 14-5, Lines 629-31*), (*Page 17, Line 751*), (*Page 30, Line 1312*), however, Officer Faroni, absent any exigency and while aided by at least one additional Officer (from another agency), based on the video, opted to drag Mr. Diaz up the booking ramp and into the sally port area. Officer Faroni stated, Mr. Diaz was dragged part-way up the booking ramp, to a distance of which Officer Faroni estimated to have been only a few feet (*Page 21, Lines 941-43*). Officer Faroni added that Mr. Diaz was given several opportunities to sit and rest as they were getting him into the booking area.

Officer Faroni continued on, stating that Mr. Diaz was uncooperative with him, as he and a Stratford Police Officer attempted to aid Mr. Diaz in getting up the booking ramp.

Note: Based on Officer Faroni's incident/supplemental report #171021-297 he never addressed what happened to Mr. Diaz's wheelchair or if it was ever returned to Mr. Diaz

## Conclusion:

Based on documentation, reports, videos and statements obtained throughout the course of the investigation and after careful and through review, it is concluded that Officer Daniel Faroni violated the following Bridgeport Police Department's Policy and Procedures/Rules Regulations:

**3.7.4 *Personal Property of Prisoners*** This section provides guidelines for the handling of personal property of arrestees who are lodged in the Lockup / Holding Facility of BPD.

**1.1.7.1 *Primary Responsibilities of a Police Officer*** A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace, and ensuring the rights of all to liberty, equality and justice.

BPD policy is to ensure that all sworn members and Detention Officers properly handle the personal property of arrestees.

## **Officer Daniel Faroni**

**1.1.6 Appendix A - Oath of Office**

**1.1.7 Law Enforcement Code of Ethics**

**1.1.7.1 Primary Responsibilities of a Police Officer**

**1.1.7.2 Performance of the Duties of a Police Officer**

**1.1.7.4 Use of Force**

**1.1.7.6 Integrity**

**1.3.4 Knowledge of Department Rules and Regulations**

**1.3.5 Violation of Rules**

**1.3.6 Conformance to Rules/Regulations**

**1.3.12 Incompetence**

**1.3.21 Unbecoming Conduct**

**1.3.34 Departmental Reports / Official Correspondence**

**1.3.35 Processing Property and Evidence**

**3.7.1 Use of Force**

**3.7.1.1 Definitions**

**3.7.3.9.1 Handicapped Prisoner**

**3.7.4 Personal Property of Prisoners**

Total Number of Redactions: 54

By Exemption:

"Attorney/Client" (Attorney/Client): 2 instances  
"Names and addresses of persons issued a permit to sell pistols/revolvers, or temporary state permit to carry pistol/revolver, or state local permit to carry pistol/revolver" (CGS Sec. 29-28(d)): 12 instances  
"Personal Information" (CGS Sec. 42-471): 3 instances  
"HIPAA" (HIPAA): 17 instances  
"Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 18 instances  
"Investigatory techniques not otherwise known to the general public." (Sec. 1-210(b)(3)E): 2 instances

By Page:

Page 3 - "Attorney/Client" (Attorney/Client): 1 instance  
Page 13 - "Personal Information" (CGS Sec. 42-471): 2 instances  
Page 14 - "HIPAA" (HIPAA): 1 instance  
Page 20 - "HIPAA" (HIPAA): 2 instances  
Page 21 - "Names and addresses of persons issued a permit to sell pistols/revolvers, or temporary state permit to carry pistol/revolver, or state local permit to carry pistol/revolver" (CGS Sec. 29-28(d)): 5 instances  
Page 22 - "HIPAA" (HIPAA): 2 instances  
Page 32 - "HIPAA" (HIPAA): 1 instance  
Page 34 - "HIPAA" (HIPAA): 5 instances  
Page 36 - "Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 2 instances  
Page 51 - "Attorney/Client" (Attorney/Client): 1 instance  
Page 54 - "Names and addresses of persons issued a permit to sell pistols/revolvers, or temporary state permit to carry pistol/revolver, or state local permit to carry pistol/revolver" (CGS Sec. 29-28(d)): 2 instances  
Page 54 - "HIPAA" (HIPAA): 5 instances  
Page 58 - "Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 9 instances  
Page 58 - "Investigatory techniques not otherwise known to the general public." (Sec. 1-210(b)(3)E): 2 instances  
Page 59 - "Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 1 instance  
Page 64 - "HIPAA" (HIPAA): 1 instance  
Page 64 - "Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 4 instances  
Page 65 - "Identity of informant not otherwise known or witness not otherwise known." (Sec. 1-210(b)(3)A): 2 instances  
Page 69 - "Names and addresses of persons issued a permit to sell pistols/revolvers, or temporary state permit to carry pistol/revolver, or state local permit to carry pistol/revolver" (CGS Sec. 29-28(d)): 3 instances  
Page 70 - "Names and addresses of persons issued a permit to sell pistols/revolvers, or temporary state permit to carry pistol/revolver, or state local permit to carry pistol/revolver" (CGS Sec. 29-28(d)): 2 instances  
Page 80 - "Personal Information" (CGS Sec. 42-471): 1 instance