

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the Orange Police Department on September 15, 2023

Robert J. Devlin, Jr.
Inspector General

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Orange Police Department

Ansonia-Milford Judicial District State's Attorney's Office

INTRODUCTION

On September 15, 2023, at approximately 10:00 p.m., near the Burlington Coat Factory, 80 Boston Post Road, Orange, Officer Eric Ristaino¹ of the Orange Police Department, fired one round from his department-issued firearm striking a Buick automobile that was driving away from the store. As required by statute², the Office of Inspector General (OIG) investigated this incident. The results of the investigation are contained in this report.

The investigation establishes that, in response to a shoplifting complaint from the Burlington Coat Factory, Officers Kurt Correia and Eric Ristaino responded to the store. Officer Correia saw an individual, Maurice Keys³, who matched the description of the shoplifter in the parking lot. When Keys fled, Officer Correia pursued him on foot. Keys ultimately ran to and entered the front passenger seat of a 2004 Buick Century automobile parked near the store; Officer Correia also entered the vehicle in an attempt to take Keys into custody. At about this time, Officer Ristaino pulled his cruiser directly behind the Buick. Officer Ristaino exited his cruiser and went to the driver's side of the Buick. The driver of the Buick, Timisha Hopkins⁴, backed the vehicle up colliding with the push bar of Officer Ristaino's cruiser and then drove forward across a small concrete island and onto the access road to the Boston Post Road. Officer Correia remained in the car struggling with Keys. Officer Ristaino followed the Buick on foot. As the Buick neared the Boston Post Road, Officer Ristaino fired one shot aimed at the driver's headrest intending to use deadly force on the driver, Timisha Hopkins.

At the time that Officer Ristaino fired his weapon, Officer Correia was in a moving vehicle engaged in a struggle with Keys. This was a dangerous situation. Officer Ristaino's intended effort to stop the vehicle by shooting the driver in the back of the head, however, would have made matters much worse. It likely would have resulted in a driverless car heading uncontrollably onto the Boston Post Road.

Based on the investigation, I find that Officer Ristaino's use of deadly force was unreasonable and therefore unjustified. Notwithstanding this finding, I have decided to decline prosecution due to the low probability of conviction. My recommendation is that the Police

¹ On September 15, 2023, Officer Eric Ristaino was a twenty-seven-year-old Caucasian male. He had been an Orange police officer for four years and two months and had been disciplined by the department for two matters neither of which related to use of force or dishonesty.

² As relevant here, General Statutes §51-277a(a)(1) provides: "Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of force by the peace officer was justifiable under section 53a-22."

³ On September 15, 2023, Maurice Keys was a thirty-year-old African American male.

⁴ On September 15, 2023, Timisha Hopkins was a thirty-four-year-old African American female.

Officer Standards & Training Council (POSTC) review the evidence contained in this report and consider cancelling his certification as police officer.

INVESTIGATION

911 Call

On September 15, 2023, at approximately 9:50 p.m., Orange Police Department received the following 911 call:

D = Orange Dispatch; M = Manager of Burlington Coat Factory

D: Orange 911, what's your location?

M: 80 Boston Post Road

D: Alright, what's going on there?

M: Um, I just had some guy just walk out with a whole bunch of merchandise and hopped on, somebody that had a motor scooter. They were both wearing red. It just literally happened.

D: Okay. Can describe the individual for me?

M: Ah, give me a second. I'm trying to look it up on the camera.

D: And that's Burlington, right?

M: Yeah.

D: Do you know what direction he went?

M: [To people in store] Do you guys know which way he went?
[To Dispatch] They went behind the building.

D: Behind the building?

M: Um hm.

D: Okay.

M: They both had, they both had red on.

D: So, it's two males?

M: Yeah, two males.

D: And they're both on scooters, or no?

M: No, just one. They both were riding mopeds together.

D: Okay. Oh, a moped. Okay, and they were seen traveling behind the business?

M: Yeah, they went behind the store.

D: Alright, what's your call back number?

M: 475-800-9091

D: Okay, and your first name

M: [Gives first name]

D: Last name.

M: [Gives last name]

D: Alright, any other description?

M: Ah ... I'm trying to get it; trying to get it ... I hate this camera sometimes.

D: [Broadcast to police units] 126 [Officer Ristaino], 132 [Officer Correia], 80 Boston Post Road, Burlington. Shoplifting, two males. They're trying to give me a better description of the males. Stole merchandise and traveled towards the rear of the business towards Carlson (phonetic). That's what I got so far.

M: I'm just trying to do the camera.

D: I have help going that way. I'm just going to keep you on the line to see if you can get me a clothing description.

M: Um, he has ... it looks like a red Adidas outfit, um red and black Jordans, uh ...

D: Okay. Black males, White males, Hispanic males?

M: Uh, this person looks Black.

D: Dark-skinned male?

M: Dark skin, yeah.

They have a whole basket. They walked out the door. Looks like they have Adidas. Looks like they have a hat on. I can't really tell.

D: [Broadcast to police units] Party described as a dark-skinned male, red Adidas jacket, red Jordans.

M: Somebody on a moped waiting outside for them. They look like they already had stolen from somewhere else.

D: Okay. I got officers heading to the area. If anything changes, give me a call back. Otherwise, they'll meet you. They'll check to see if they can find them first.

M: Alright, thank you.

D: Alright, you take care.

To hear the recording of this 911 call, click [here](#).

Police Reports

Officer Kurt Correia

On September 15, 2023, at approximately 9:51 p.m., Officer Correia was dispatched to the Burlington Coat Factory, 80 Boston Post Road, on a report of a shoplifting where the suspects left the area on a moped. While responding to the store, Officer Correia learned that one of the suspects was a dark-skinned male wearing a red sweatshirt and red sneakers and that the moped was traveling toward the rear of the building.

As Officer Correia parked in front of Burlington, he observed a black male wearing an all red sweatshirt holding what appeared to be a laundry basket full of items. Officer Correia exited his cruiser and called out to the subject (Maurice Keys) who began running west in the parking lot toward the first stall of vehicles parked along the curbing. There, Officer Correia observed a 2004 Buick Century with a female in the passenger seat, later identified as Timisha Hopkins. Hopkins opened the door and Keys attempted to pass the merchandise to her. Officer Correia, who was only a couple of steps behind Keys, slammed the passenger door shut.

Keys continued running through the parking lot ultimately doubling back toward the Buick. Hopkins was now in the driver's seat. She opened the passenger door and Keys dove into the vehicle. Officer Correia arrived at the vehicle before the passenger door closed. He reached into the vehicle and took hold of Key's shoulders in an attempt to pull Keys out of the Buick.

The report continues:

"It was during this time that Keys grabbed my right arm, around the area of my elbow which partially restrained my right arm. Keys then rotated his body and pulled me further into the vehicle. Hopkins, who was in the driver seat, grabbed my right wrist. Both Keys and Hopkins would not let go of my right arm and wrist. I was pulled partially over Keys who was in the passenger seat with his left side against the back of the seat. I was able to keep my head and face near the passenger side headrest and away from Keys' face. The passenger door stayed open as my legs were still partially outside the vehicle. At this point I looked up and saw Officer Ristaino outside the driver door attempting to get the door open and prevent Hopkins from getting the keys in the ignition. I was giving verbal commands to Hopkins to not start the vehicle and for both Hopkins and Keys to let go of my right arm and wrist. Hopkins was forcibly pushing my right wrist away from the area of the ignition and was pushing and hitting my left arm away from the keys that she was holding while attempting to get them into the vehicle's ignition. As Hopkins and Keys were immobilizing my right arm and Keys fighting my left arm and hand, Hopkins was able to start the vehicle. Realizing that the vehicle had been started, I was fearful for my personal safety. I knew that I was being held inside the vehicle against my will and that Keys and Hopkins were refusing to let my right arm go and that I was off balance and did not have solid footing on the ground.

"I felt the Buick begin to move backwards, hit something and then forward. I then felt and heard the Buick strike the curbing that it was pulling forwards against. It was during this time that I heard Officer Ristaino call out my first name. I have worked with Officer Ristaino consistently over the last two years. I heard in his voice through his tone and through him calling out my first name, which is a rare occurrence, that Officer Ristaino was in fear for my safety.

"Hopkins continued operating the vehicle against my command for her to stop operating. Hopkins and Keys both continued to hold my arm which prevented me from pulling away from them or escaping from inside the vehicle. Not knowing if they were armed and only having my non-dominant arm and hand to protect myself, I attempted to gain leverage over Keys who was the main individual holding my arm. I attempted to radio that I was being held in the Buick and that the suspects were holding me, not allowing me to exit the vehicle.

"While traveling up the ramp and continuing to give commands for my arm to be released and to stop the vehicle I saw in my peripheral that to the left of my head there was a third female,

later identified as Asanyirelli Rivera, in the rear seat of the vehicle. Rivera was screaming, I do not know what it was she was saying or if she was saying words at all. At this point I realized that I was greatly outnumbered, that I was forcibly being kept in a vehicle with three suspects, and that my dominant right arm was being held and locked up, that I had only my left arm free, but could not reach my duty pistol to prevent it from being un-holstered. I felt that my legs were still out of the vehicle and that I still had no solid footing to attempt to gain leverage to separate myself from the suspects or vehicle. It was at this moment that I no longer cared about stopping the shoplifting or apprehending the suspects, but I was fearful for my life.

“In the next moments I was able to pull my legs and feet into the vehicle, I believe into the passenger side foot well. Having gained more stability, I was able to quasi stand myself up and create a small amount of space between myself and Keys, but it was still fully in the vehicle. Around this time, I heard a pop which I initially believed to be a deployment of a stop stick under the tires of the vehicle in an attempt to prevent the vehicle from leaving the area with me forcibly held inside. As my mind was racing, I also recognized the sound to be very similar to the sound of a firearm having been discharged. I shouted to Keys and Hopkins that they were kidnapping a police officer and that they needed to stop the vehicle.

“With the small gap that I was able to create and being able to pull my feet into the vehicle I was able to draw my department taser with my left hand from the left drop leg taser holster that I utilize while on patrol. I shouted to Keys and to Hopkins that they would be tased if they did not release my arm and stop the vehicle. It was at this point that Keys let go of my right arm and grabbed the taser. Hopkins released my right wrist and I watched her place both her hands on the steering wheel. Keys began to fight me for control of the taser. Keys grabbed the taser at the front near the cartridge where the prongs are stored. Keys pushed and pulled hard and at one point caused my wrist to turn, which caused the taser to briefly point at myself. During this time I told Keys and Hopkins that if they took the taser from my possession, I would draw my duty pistol and shoot them. Hopkins looked in my direction and made eye contact, I repeated myself and stated that she needed to stop the vehicle before somebody died.

“Keys was still attempting to remove the taser from my possession. Hopkins was now saying that she was stopping the car, I felt the vehicle begin to slow down, before a sudden burst of speed again. I was still looking at Hopkins and again told her to stop the car before someone got killed. Hopkins again said that she was stopping the car. Hopkins finally stopped the vehicle on the Boston Post Road, e/b in the right lane, in the area across the street from 79 Boston Post Road.”

Once the vehicle stopped, Officer Correia threw the TASER cartridge and TASER out of the car's window. Officer Correia saw Officer Ristaino at the driver's side removing Hopkins. Officer Correia then attempted to remove Keys from the vehicle. With the assistance of Officer Castelao, Keys was removed. Officer [Michael] Repice also assisted, and the officers brought Keys to the

ground. Officer Ristaino then proceeded to deploy his taser to drive stun Keys in the buttocks to gain his compliance. Eventually the officers placed Keys in handcuffs. Both Keys and Hopkins were arrested for their involvement in the shoplifting and assault on a peace officer. Rivera was not arrested.

During the above-described events, Officer Correia was wearing a body worn camera. The recording from that camera starts at 9:57:08 p.m. after the car has stopped. The recording shows Keys outside the car on the ground with Officer Correa attempting to take him into custody. There is no body worn camera recording of the foot chase in the parking lot or struggle inside the Buick. Officer Correia's report is silent as to why his camera was not turned on to record these earlier pivotal events.⁵

Officer Ana Rita Castelao

On Friday, September 15, 2023, Officer Castelao responded to 80 Boston Post Road (Burlington Coat Factory) on a report of a larceny. Prior to arrival, Officer Castelao heard Officer Correia report over the radio that the suspect had fled on foot in the parking lot. While approaching the scene, Officer Castelao heard a broken radio transmission of a vehicle possibly fleeing the area and someone being in the vehicle.

The report continues:

"Upon arrival, I entered the Burlington driveway and observed a vehicle exiting, with Officer Ristaino on foot sprinting to keep up with the fleeing vehicle. Seeing Officer Ristaino sprint after a fleeing vehicle caused me to believe the occupants of the vehicle had engaged in serious criminal activity. I exited my vehicle to follow Officer Ristaino who then screamed at me that a cruiser needed to follow the vehicle I had observed exiting. I returned to the cruiser and as I was turning around in the driveway, I heard an officer yell on the radio shots fired. I was unaware if an officer or a suspect of the fleeing vehicle had fired a firearm. Due to hearing this over the air, I perceived this was potentially a deadly situation.

"I immediately followed the exiting vehicle which had turned right onto Boston Post Road. As I approached the vehicle, Officer Ristaino stated over the radio to box the vehicle in with my cruiser."

Officer Castelao exited her cruiser and approached the operator, Timisha Hopkins. She gave Hopkins verbal commands to show her hands. Hopkins did not comply. Officer Ristaino

⁵ Officer Correia's failure to earlier activate his body-worn camera was a violation of Connecticut law. See footnote 7.

removed Hopkins from the vehicle and placed her in custody. Officer Castelao then assisted in the removal of Maurice Keys from the vehicle.

To view the relevant portion of Officer Castelao's dash camera, click [here](#).

Officer Michael Repice

On September 15, 2023, at 9:53 p.m., while on patrol, Officer Repice heard Officer Correia, who had been dispatched to the Burlington coat Factory for a shoplifting incident, broadcast over the radio that the suspect was fleeing from him on foot. Officer Repice activated his lights and siren and responded to the area. Enroute, he heard other radio transmissions that, due to poor quality, were hard to completely understand. At one point, while still enroute he heard what sounded like a radio transmission of "shots fired." As Officer Repice drove into the entrance road to the Burlington Coat Factory, he observed Officer Castelao driving the opposite way exiting the parking lot. Officer Repice ultimately drove out of the Burlington lot stopping next to Officer Castelao's cruiser that was stopped in the eastbound lane of the Boston Post Road.

The report continues:

"Upon exiting my vehicle, I saw Ofc. Ristaino detaining a Black female near the trunk of an older model sedan. He told me to help Ofc. Correia and Ofc. Castelao, and I observed that they were attempting to remove a Black male from the front passenger seat of the sedan and gain control of him, I noted that the male was actively resisting as he was physically trying to retreat backwards into the vehicle while Ofc. Correia and Ofc. Castelao were trying to pull him out and place him on the ground. I also heard verbal commands by officers during this time for him to exit the vehicle and get on the ground. I then approached the male and stated, "Get your ass out of the car right now!" I grabbed his shirt in the shoulder and pulled, which created more separation between him and the vehicle. More verbal commands were given by officers for the male to get on the ground, but he continued to actively resist. I then lowered my stance, grabbed his legs, and drove my body forward, using leverage to bring the male to the ground.

"Once on the ground, I stated, "Give me your fucking arm!" and "Get on your stomach!" Other officers were giving verbal commands as well, including, but not limited to, "Get on your stomach!" and "Stop resisting!" I continued to feel the male actively resist. Officers eventually rolled him onto his stomach, but the male was actively resisting and not putting his hands behind his back. During this time, I also told OPD Dispatch to send mutual aid from West Haven PD. I had a hold on his right arm and was eventually able to forcibly place it into position behind his back and the male was eventually handcuffed and placed in a recovery position. In order to effect the arrest, I also placed my knee on his back of his torso in the area of his shoulders."

Statements

Maurice Keys

On May 2, 2024, OIG inspectors interviewed Maurice Keys. The interview was recorded.

Keys started the interview by acknowledging: “I was wrong. I admit that I was wrong. Like 100% ...”

[Inspectors obtained background information from Keys.]

Inspectors informed Keys that they wanted to hear his side of the story and asked him to start from the point where he and the women were in the car. Keys stated:

“We was going to Burlington ... inside Burlington I did take a couple of things. Then I left out the store. Um ... one of the officers chased me to my car and, I guess, attempted to snatch me out. Like, like, I resisted a little bit and then next thing you know, the car just takes off. And, I guess the officer caught his balance and jumped in the car. He had his forearm on my neck and I guess a taser gun like pointed up like that

[gestures with right hand raised and finger pointed down]

And then I felt like he was going to shoot. So, what I did I just took it ... and just flipped it up a little like that so it was like toward the ceiling a little bit.

[gestures with arms in front and pushing taser away]

I was like, he was going to shoot, this was going too far. Stop the car, just stop it.

He was like, “Yeah, the best thing for you is to just stop the car. Stop the car.”

So, she stopped the car. He told her to take the keys out the ignition. And then, he gets out ...

She takes the keys out the ignition, he gets out the car then like he tries to pull me out, and I was like ... Yo, I’m getting out willingly, you don’t have to do that. I’m getting out willingly. So, as he’s trying to snatch me out ... I was getting out of the car ... and then, I just heard a shot go off.⁶ So I snatched my arm back and I see him go like this.

[holds his left upper arm with his right hand].

Like hold his arm.

“I was like, I was like, Dude, you don’t have to take it that far, you don’t have to take it that far ... got shot. All I can do is remember me looking to see if I got hit or anything.

And then another, um another cop snatched me out and I landed like this

[gestures falling forward with arms extended].

And then automatically, he just started tasing.”

⁶ Keys incorrectly believed that the shot was fired after the car stopped and Timisha Hopkins removed the keys from the ignition.

Keys repeatedly said that the officer was trying to snatch him out of the car. He stated that he was trying to tuck himself inside the car and he remembered the officer just “jumping inside the car.” Keys acknowledged that he had been drinking alcohol and that the women were doing drugs. While Keys admitted pushing the TASER away, he denied striking the officer.

Timisha Hopkins

On August 14, 2024, OIG inspectors interviewed Timisha Hopkins regarding the events of September 15, 2023.

Timisha stated that, prior to the incident, she was at her house on Howard Avenue in New Haven with Maurice Keys and a woman she referred to as “Bubbles”.⁷ Maurice asked Timisha to drive his tan Buick and she drove the car to the Burlington Coat Factory. Bubbles was in the back seat. At the Burlington Coat Factory, Maurice went into the store and Timisha and Bubbles remained in the car. After about fifteen minutes, a police car pulled up to the store and almost simultaneously, Maurice came out of the store. At first, Maurice was walking but then he started to run toward their car. Bubbles locked the door and Maurice ran around the parking lot with the officer giving chase.

When Maurice ran back toward their car, Bubbles unlocked the door. Maurice dove into the car and handed the keys to Timisha. The officer jumped in the car behind Maurice. Timisha started the vehicle. When she backed up, she hit something. She was later told that it was a police car. Timisha then pulled forward and went over a parking barrier on the ground. She then turned left to drive out of the parking lot. When asked why she drove off, she said that it was out of fear and an effort to get them out of the situation.

As the car drove out of the parking lot, the officer was in the vehicle with a TASER to Maurice. Timisha thought it was either a TASER or a gun⁸ pointed back and forth at her and Maurice. At this point, Timisha was driving, Bubbles was screaming in the back seat, and Maurice was on the passenger side with the officer on top of him. Timisha said that Maurice and the officer were tussling, but it wasn’t forceful fighting because the officer was waving his gun or TASER back and forth between Timisha and Maurice.

At the top of the hill, Timisha made a right turn. When she turned, she heard two gunshots. It was at this point that Maurice said, “Tammy, stop the car before they kill us for no reason.” Timisha was aware at that time that shots had been fired. She did not know who shot and did not know if it was inside or outside the car. Hearing the gunshots caused her to defecate. She stopped the car.

⁷ “Bubbles” was Asanyirelli Rivera.

⁸ Officer Correia’s TASER was black in color and could be confused with a gun.

After the car was stopped, Timisha believed six officers took Maurice out of the car. They tased him, arrested him, and cuffed him. An officer then yanked Timisha out of the vehicle. Timisha thought that Maurice had been shot and asked if he was okay. She was later taken to Saint Raphael's Hospital.

Timisha stated that, while in the vehicle, she did not touch the officer and Bubbles did not touch the officer. The officer was on Maurice.

Officer Eric Ristaino

On October 12, 2023, Officer Ristaino submitted a written statement regarding his use of deadly force on September 15, 2023. This statement is reprinted in its entirety in the [Appendix](#). The statement may be summarized as follows:

On September 15, 2023, Officer Ristaino and Officer Correia were dispatched to the Burlington Coat Factory for a shoplifting in progress. Officer Castelao radioed that she would respond so that Officer Ristaino could be relieved for his lunch break.

When Officer Correia radioed that he was in a foot pursuit, Officer Ristaino self-dispatched to the scene to assist. In the area of Bull Hill Lane and the Boston Post Road, Officer Ristaino activated his emergency lights which automatically activated his cruiser's dash camera. As he approached the Burlington Coat Factory plaza, Officer Ristaino saw Officer Correia in the distance chasing a suspect (Maurice Keys).

The statement continues:

"As I began driving towards Officer Correia's location, I observed Mr. Keys approach and enter the front passenger seat of a tan Buick sedan with Officer Correia directly behind him. The vehicle was pulled into a parking space on the West side of the Burlington Coat Factory building in the first row of spaces, approximately 3 or 4 spots from the end. As I approached in my cruiser, I observed Officer Correia grabbing Mr. Keys and attempting to extract him from the front passenger seat of the vehicle. From my vantage point I could not see if Officer Correia was completely inside the front passenger compartment or if his feet were still on the ground.

"I parked my marked cruiser behind the Buick with my overhead emergency lights still activated, angling my push bar at the rear bumper to prevent the vehicle from reversing. I immediately exited my cruiser and approached the driver door and observed a black female, later identified as Timisha Hopkins ..., sitting in the driver seat. The vehicle ignition was off and I attempted to open the driver door to gain access to Ms. Hopkins, but the door was locked. The driver window was rolled down approximately 2 or 3 inches and I attempted to break the glass with my hands by forcefully pushing and pulling it, but the glass did not break. I was

attempting to gain access to Ms. Hopkins and extract her from the driver seat to prevent her from starting the vehicle and driving off, especially with Officer Correia being partially inside the vehicle and struggling with Mr. Keys. Due to having to immediately exit my cruiser on my arrival and how quickly the events unfolded and going hands-on in an attempt to prevent Ms. Hopkins from driving off, I was unable to safely activate my body-worn camera to begin recording the incident.⁹ As I observed Officer Correia continue to violently struggle with Mr. Keys in the front passenger seat of the vehicle and heard Officer Correia yelling something at Mr. Keys, Ms. Hopkins then started the vehicle. I yelled to her “don’t do it!” several times, at which point she placed the transmission into reverse and accelerated rearward colliding with the front of my Police cruiser with Officer Correia still inside the front passenger compartment. Ms. Hopkins then placed the transmission into drive and accelerated forward, driving over a cement island which separated the parking aisles from the main plaza driveway. As the vehicle accelerated forward, I observed Officer Correia still inside the Buick with the passenger door wide open. The vehicle began to flee towards the Boston Post Road via the main driveway to the plaza and I began to chase the vehicle on foot. I drew my Department issued sidearm (Glock model 45, 9mm, SN# BYUL848) with my right hand while chasing the vehicle on foot.”

Officer Ristaino then describes the amount and type of ammunition he was carrying and his practice regarding the maintenance of his pistol.

The statement continues:

“While chasing behind the vehicle I was using my left hand to activate my portable radio to transmit that the vehicle was fleeing with Officer Correia still trapped inside. While chasing the vehicle on foot, I observed the vehicle drive erratically, swerving and braking hard at points, and I believe a violent struggle was still ensuing inside the vehicle between Officer Correia and Mr. Keys and Ms. Hopkins. The vehicle continued to accelerate towards Boston Post Road, and I was unable to close distance on the vehicle on foot due to it traveling faster than I could run. I estimated that the vehicle was accelerating to speeds of approximately 15-20mph while fleeing towards Boston Post Road. As the vehicle approached Boston Post Road, a major highway in the Town of Orange with a 40mph speed limit, I saw the vehicle begin to take a right turn Eastbound towards West Haven. I knew that Officer Correia was still trapped within the vehicle. At this point, I estimated that the vehicle had traveled approximately over 100 yards with Officer Correia still trapped inside the vehicle with the passenger door open and driving erratically. I feared that Officer Correia was at an imminent risk of sustaining serious bodily injury or death if Ms. Hopkins was not stopped and continued to drive off with Officer Correia still trapped inside. I aimed the sights of my pistol at the driver seat headrest through the rear

⁹ Officer Ristaino could have turned on his body worn camera when he self-dispatched to the shoplifting in progress at the Burlington Coat Factory. His failure to activate his body-worn camera was a violation of Connecticut law. See General Statutes §29-6(c)(1) (“Each police officer shall use body-worn recording equipment while interacting with the public in such sworn member’s law enforcement capacity ...”).

windshield with intention of using deadly force on Ms. Hopkins to stop the threat and prevent Officer Correia from being seriously injured or killed. From a distance of what I recall having been approximately 10-25 yards, I slowed my running in order to produce a more accurate shot and pulled the trigger on my sidearm and fired one (1) round in the direction of the vehicle's driver's side headrest. I heard the round go off, but I did not observe the vehicle's back windshield shatter, indicating that the bullet did not strike the rear windshield. I observed what I perceived to be sparks hit the ground in the direction I fired, and I believed that the round had possibly struck the pavement and missed the vehicle completely. Prior to discharging my sidearm, I did take note of the backdrop past the direction I was aiming at and saw that there were only commercial establishments which, from my experience as an Orange Police Officer, I knew were closed for business and appeared to be unoccupied."

After he radioed "Shots fired, shots fired" to Dispatch, Officer Ristaino observed the Buick make a right turn onto Boston Post Road and accelerate eastbound. Approximately 100 feet down the road, the vehicle stopped. Officer Ristaino approached the driver's side of the vehicle. He took hold of Ms. Hopkin's arm and directed her out of the vehicle. He then positioned Ms. Hopkins at the rear of the vehicle and handcuffed her.

Officer Ristaino then assisted Officer Correia and Officer Repice in getting Mr. Keys into custody. In an effort to gain Mr. Key's compliance, Officer Ristaino used his TASER to "drive stun" Mr. Keys several times in the back of his upper thigh – each time for five seconds. Officer Ristaino then struck Mr. Keys on the back with a closed fist in a further effort to gain his compliance. Thereafter, officers were able to secure Mr. Keys in handcuffs.

To view a relevant portion of Officer Ristaino's dash camera, click [here](#).

Scene

On September 16, 2023, at approximately 12:09 a.m., the Connecticut State Police, Central District Major Crime Squad (CDMCS) was requested to assist with scene processing of the officer-involved shooting incident that took place in the area of the Burlington Coat Factory, 80 Boston Post Road, Orange.

Scene Description

CDMCS detectives described the scene as follows:

"The scene was located outdoors in the parking area of the shopping plaza which contains the Burlington Coat Factory. The Burlington Coat Factory is located in the corner of the shopping plaza and the main entrance is located facing northwest which is perpendicular to Boston Post Road. The main entrance to the Burlington Coat Factory is a covered entrance with a

designated sidewalk area. The Burlington Coat Factory is surrounded by parking areas to the northwest, west, and southwest of the store. There is a 4-way intersection to the West of the building for the parking areas.

“The entrance to the shopping plaza from Boston Post Road is to the west of the Burlington Coat Factory and the roadway is declining from Boston Post Road. There is a traffic control device located at the intersection of the plaza entrance and Boston Post Road. The plaza entrance at the intersection is a 3-lane roadway with 1 entrance lane and 2 exit lanes. The exit lanes are designated as a left and right turn lane. This portion of Boston Post Road is a 5-lane roadway with a double yellow line separating travel portions. North of the traffic control device there are 2 lanes that travel Northbound and 3 lanes that travel Southbound. The middle lane is a left turn only lane to enter the shopping plaza for the Burlington Coat Factory. South of the traffic control device, there are 3 lanes that travel Northbound and 2 lanes that travel Southbound. The middle lane is a left turn only lane.”

CDMCS detectives processed the scene as well as documenting Officer Ristaino’s duty gear, firearm, and ammunition. Four items of evidence were seized:

Exhibit 1: Glock 45 handgun with one empty magazine, 16 live rounds from the magazine and one round from the chamber.

Exhibit 2: Two Glock 17 round magazines. One containing 17 rounds and one containing 16 rounds.

Exhibit 3: Collection of hypodermic needles from the Burlington Coat Factory parking lot.

Exhibit 4: Expended shell casing from the grass shoulder of the exit lane for the Burlington Coat Factory.



Glock



Magazines



Shell casing



Shell casing



Shell casing



Shell casing

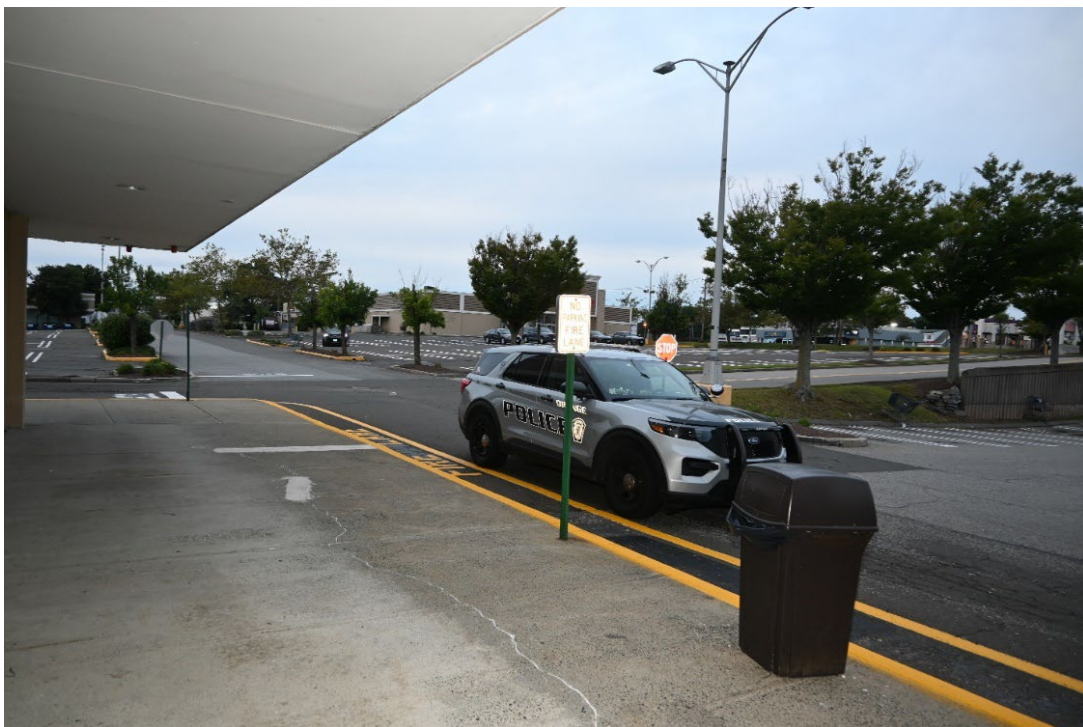


Shell casing



Shell casing

CDMCS detectives also documented the location of Officer Correia's cruiser in front of the Burlington Coat Factory, Officer Ristaino's cruiser that had pulled behind the Buick in the parking lot, and the disturbed dirt in the parking island caused by the Buick driving away.



Officer Correia's cruiser



Officer Ristaino's cruiser



Officer Ristaino's cruiser



Island

Vehicle



Buick

The 2004 Buick Century, color grey, had stopped on Boston Post Road. It was towed to the Orange Police Department and searched pursuant to a search warrant. Many items of suspected stolen property and drug paraphernalia were seized. The following items related to the officer-involved shooting:

Exhibit 5: Bullet fragment from trunk bumper.

Exhibit 6: Projectile located inside a gray bag in the trunk.

Exhibit 7: Black leggings with bullet strikes located the gray bag in the trunk.

Exhibit 8: Two bullet fragments from a multi-colored sweatshirt located in the gray bag in the trunk.

Exhibit 9: Multi-colored sweatshirt with bullet strikes in right shoulder area located in the gray bag in the trunk.



Bullet fragments on rear bumper



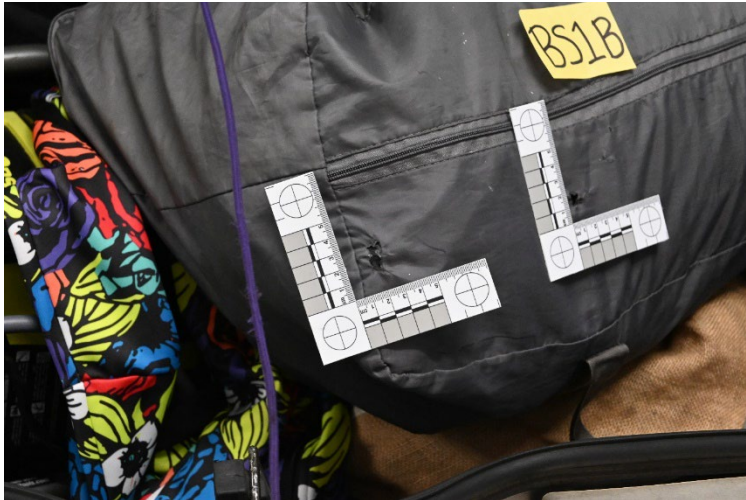
Bullet fragments on rear bumper



Bullet fragments on rear bumper



Gray duffle bag



Gray duffle bag



Projectile



Projectile



Leggings



Sweatshirt



Bullet fragment

Bullet Strike Report

During the processing of the Buick one suspected bullet strike was located and documented. Trajectory determinations were not determined for the bullet strike during processing. Detectives, however, used fixed entry points and were able to insert a protrusion (trajectory) rod and determine the direction of travel and entry/exit of the strike as well as subsequent strikes in the interior of the vehicle. One bullet projective and three bullet fragments were recovered during the vehicle processing. The bullet projectile was recovered from a gray bag located in the trunk associated with BS1 (Exhibit 6). One bullet fragment was recovered from the trunk bumper (Exhibit 5) and two bullet fragments were recovered from an item of clothing located inside the gray bag in the trunk (Exhibit 8). One shell casing was recovered on scene on 09/15/2023 (Exhibit 4) found to be associated with BS1. BS1 was determined to have penetrated the rear trunk from outside of the vehicle.

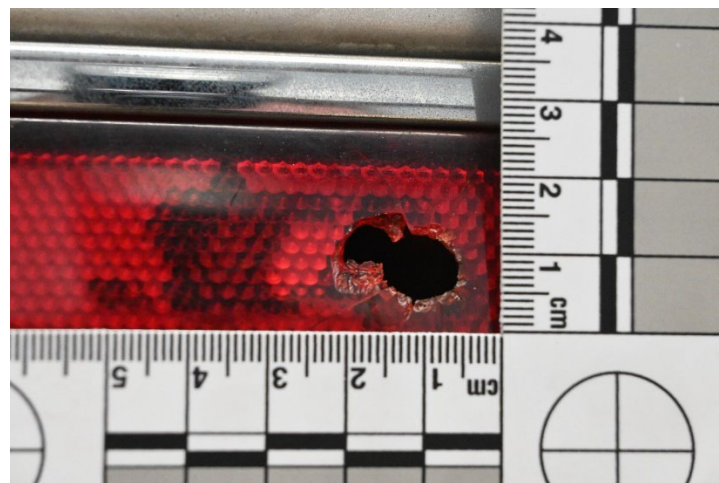
The bullet strike designated as BS1 was located on the Buick's rear trunk into the red taillight area near the upper right corner of the license plate holder. The strike was located 6.5" up from the bottom trunk edge and 12.5" to the left of the right trunk seam. The horizontal angle of the strike was approximately seventy-five degrees. The vertical angle of the strike was approximately ninety degrees. The strike was approaching from the right (passenger side) rear direction at a slight downward angle. The strike penetrated the rear trunk, traveled through to inside the trunk (BS1A), through a gray duffle bag located inside the trunk (BS1B). A Projectile was recovered from inside the gray duffle bag and seized as Exhibit 6.



Bullet strike – tail light



Bullet strike – tail light



Bullet strike – tail light



Trajectory rod



Trajectory rod



Trajectory rod



Trajectory rod



Trajectory rod



Bullet hole inside trunk



Bullet hole inside trunk

TASER Report

An analysis of Officer Ristaino's TASER showed that on September 15, 2023, during a fifty second period between 9:57:06 p.m. and 9:57:56 p.m., there were five trigger pulls with a duration of five seconds each.

Ballistics Examination

CDMCS submitted Officer Ristaino's Glock firearm, recovered shell casing, and the projectile recovered from the gray bag in the trunk of the Buick to the Forensic Science Laboratory. The Laboratory determined that the shell casing was fired from Officer Ristaino's Glock firearm. It further determined that the projectile had the same general rifling characteristics as the projectile test-fired from Officer Ristaino's Glock, but there was insufficient detail to identify or eliminate it as originating from the Glock.

Burlington Coat Factory Video

OIS inspectors obtained a video from a camera mounted on the Burlington Coat Factory building that captures part of the incident. The camera is located on the front outside corner of the store and covers a small portion of the parking lot.

Initially, a white vehicle is seen moving in the parking lot and a customer is walking from the store. At time 00:10, a person runs into the parking lot from the sidewalk adjacent to the store. At time 00:48, Officer Ristaino's cruiser enters the camera's view and pulls behind the Buick. The emergency lights on the cruiser are activated. At time 01:00, the Buick's headlights come on. At time 01:08, the Buick begins to move forward over the parking lot island and turns to exit the parking lot.

To view the relevant portion of the recording, click [here](#).

FINDINGS

The investigation supports the following factual findings.

1. On September 15, 2023, shortly before 10:00 p.m. Timisha Hopkins drove to the Burlington Coat Factory, 80 Boston Post Road, Orange. She was operating a 2004 Buick Century. With her in the vehicle were Maurice Keys and Asanyirelli Rivera aka "Bubbles."
2. Keys entered the Burlington Coat Factory and proceeded to place several items into a laundry basket. He then exited the store without paying for the items. Staff at the store

observed this and the manager called the Orange Police Department and reported a shoplifting that had just occurred.

3. The Orange Police Department dispatched Officers Kurt Correia and Eric Ristaino to the Burlington Coat Factory to respond to the shoplifting complaint.

4. Officer Correia arrived first and parked his cruiser in front of the store. He saw a subject (Maurice Keys) who matched the description of the shoplifter. Officer Correia approached Keys who then ran away. Officer Correia broadcast over the police radio that he was pursuing the subject on foot.

5. Officer Ristaino, Officer Ana Rita Castelao, and Officer Michael Repice heard Officer Correia's radio broadcast and responded to the Burlington Coat Factory.

6. During the foot pursuit, Keys was able to get to the Buick and dove into the front passenger seat. Officer Correia followed Keys into the passenger seat.

7. Officer Ristaino drove into the Burlington Coat Factory parking lot and stopped directly behind the Buick blocking it. The dash camera from his cruiser recorded Officer Correia struggling with Keys in the Buick.

8. Officer Ristaino exited his cruiser and went to the driver's side of the Buick. The driver's door was locked, and he unsuccessfully attempted to break the driver's side window. Timisha Hopkins backed the Buick up colliding with the push bar on Officer Ristaino's cruiser and then drove forward over a small island onto the access road for the Burlington Coat Factory. She then drove up the road toward the Boston Post Road. Officer Correia remained in the Buick struggling with Keys.

9. Officer Ristaino followed the Buick on foot chasing it up the ramp. As the Buick neared the intersection with the Boston Post Road, Officer Ristaino aimed his firearm at the back of the driver's headrest. He fired one round intending to use deadly force against the driver.

10. The round penetrated the Buick's rear taillight and traveled into the trunk. It penetrated a gray duffle bag stuffed with clothes. The round did not exit the duffle bag.

11. The Buick turned onto Boston Post Road and drove a short distance before Timisha Hopkins stopped the vehicle. Orange officers approached the vehicle. Officer Ristaino removed Hopkins from the driver's side and placed her into handcuffs. He then assisted other officers who were attempting to take Keys into custody. To gain Keys' compliance, Officer Ristaino used his TASER to drive stun him five times.

12. Following the incident, CDMCS detectives processed the scene. They recovered a shell casing from the grass area next to the access road to the Burlington Coat Factory and a projectile from the gray duffle bag in the Buick's trunk. The Forensic Science Laboratory determined that the shell casing was fired from Officer Ristaino's Glock firearm. The laboratory also determined that the projectile from the trunk had the same general rifling characteristics as a projectile test fired from Officer Ristaino's Glock but there was insufficient detail to make a positive determination that it either did or did not originate from the Glock.

LAW

Statute

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on September 15, 2023, in relevant part, provides:

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

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

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

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

The statute further provides:

"For the purpose of evaluating whether the actions of a peace officer ... are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to, whether (A) the person upon whom deadly force was used possessed or appeared to possess a

deadly weapon, (B) the peace officer ... engaged in reasonable de-escalation measures prior to using deadly physical force, and (C) any unreasonable conduct of the peace officer ... led to an increased risk of an occurrence of the situation that precipitated the use of force.” §53a-22(c)(2).

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

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

Vehicles

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

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

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

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

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

“The discharge of a firearm is prohibited:

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

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

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

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

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

Reasonableness

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

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

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

Burden of Proof

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

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

ANALYSIS

To begin with, the analysis in this case is hampered by the fact that neither Officer Correia nor Officer Ristaino had their body worn cameras (BWCs) activated during key portions of this incident. The absence of BWC recordings makes the task of resolving conflicts in the evidence more difficult. For example, Officer Correia and Timishia Hopkins provide starkly different descriptions of the events inside the Buick. For the most part, I have addressed such conflicts by focusing on the material facts for which there is no serious dispute.

There are two potential justifications for Officer Ristaino's use of deadly force. First to effect the arrest of Keys and Hopkins, and second to defend Officer Correia from an imminent threat of death or serious injury.

With respect to the arrest justification, the statute requires that there be (1) no available reasonable alternatives to using deadly force, (2) no unreasonable risk of injury to a third party, and (3) the arrest must be for a felony that involved the infliction of serious physical injury. General Statutes §53a-22(c)(1)(B).

With respect to the defense of Officer Correia, General Statutes §14-283a authorizes a police officer to discharge a firearm into or at a moving vehicle to defend a third party from an imminent threat of death. Similarly, POSTC Standards Section 9.C(5) allows an officer to fire at or into a moving vehicle to counter an imminent threat of death or serious physical injury from an occupant of the vehicle. In his statement, Officer Ristaino stated that he fired his weapon because he feared that Officer Correia was at imminent risk of sustaining serious bodily injury or death if the Buick was not stopped.

Finally, the law imposes an overarching requirement that the use of deadly force be objectively reasonable. General Statutes §52a-22 (c)(1). At a minimum, such objective reasonableness forbids conduct that endangers the lives of innocent third parties – including the third party whom the officer is trying to protect.

Applying these legal standards to the present case, I find that Officer Ristaino's conduct was not reasonable and therefore not justified. None of the prerequisites to using deadly force to make an arrest are present in this case. There were available reasonable alternatives to the use of deadly force. Officer Ristaino could have returned to his cruiser, parked only a few feet away, and pursued and stopped the Buick. In conjunction with his own efforts, Officer Ristaino could have radioed Officers Castelao and Repice to have them stop the Buick. Both officers were quickly converging on the scene. It is highly likely that these three police cruisers would have stopped the Buick without incident – particularly since the car stopped on its own about 100 feet down the road from the Burlington Coat Factory. The use of deadly force did pose a

risk of injury to third parties and the underlying crime was not a felony that involved the infliction of serious physical injury.

The second claimed justification relates to the defense of Officer Correia. I acknowledge that Officer Correia was in a dangerous situation, but he was not at risk of imminent death. Moreover, Officer Ristaino's choice to assist Officer Correia by attempting to kill the driver was not reasonable.

Officer Ristaino's decision to aim at the back of the driver's headrest in order to use deadly force against Hopkins endangered the Buick's occupants. Had the shot had its intended effect, Hopkins would have sustained a gunshot wound to the back of her head. Such a wound would have either been fatal or immediately incapacitating. The effect would have been that the Buick, moving at a speed of 20 mph (Officer Ristaino's estimate), would have entered the Boston Post Road effectively without a driver. It is highly foreseeable that the vehicle would only have come to a stop following a violent collision. With the driver incapacitated, there would have been no braking or evasive steering attempted. Such a violent collision would have exposed all the Buick's occupants to serious injury – particularly Officer Correia who was unrestrained in the front seat with the passenger door partially open.

Moreover, it was not only the driver that was endangered. Absent the fortuitous presence of a duffle bag stuffed with clothes in the trunk, the shot could easily have penetrated the passenger compartment of the Buick striking Asanyirelli Rivera, Maurice Keys, or Officer Correia. All occupants were in mortal danger from Officer Ristaino's alarmingly poor decision-making that amounted to recklessness.

Having concluded that Officer Ristaino's use of deadly force was unreasonable and therefore unjustified, the question becomes the state's ability to meet the legal standard to sustain a criminal conviction. Officer Ristaino faced a situation where Officer Correia was effectively being kidnapped by thieves who had turned a shoplifting incident into a robbery by using force in an attempt to escape. He made a split-second decision to address this situation. It was a dangerous and unreasonable decision; and one that a competent police officer would not make. However, given the lack of impartial video evidence and the requirement that the state prove any criminal charge beyond a reasonable doubt, I believe that there is insufficient evidence to sustain the state's evidentiary burden. I further conclude that the probability of conviction is low.

I am grateful that, in creating the OIG, the legislature, in addition to providing prosecution authority, empowered the OIG to make recommendations to POSTC "concerning censure and suspension, renewal, cancellation or revocation of a peace officer's certification." See General Statutes §51-277e (5). This is a case where such a recommendation is warranted. Officer Ristaino's extremely poor decision-making amounted to recklessness that endangered

human life – including the life of another officer. Such conduct demonstrated incompetence in the performance of police functions such that he should no longer be certified as a police officer.

CONCLUSION

The investigation establishes that Officer Ristaino's use of deadly force was not reasonable and therefore not justifiable, the OIG concludes that the findings of this investigation be referred to the Police Officer Standards and Training Council (POSTC) for revocation of his certification to be a police officer in the State of Connecticut, pursuant to the procedures established by General Statutes §7-294d and POSTC.

Submitted this 21st day of October 2024.

A handwritten signature in blue ink, reading "Robert J. Devlin, Jr.", written over a horizontal line.

ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL

APPENDIX

Statement of Officer Eric Ristaino



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



Victim/Witness Statement of: Eric Ristaino

Date:	Time Started:	Time Ended:	CFS #:
Location:			Statement taken by:

I, Eric Ristaino Date of Birth: April 27, 1996
of 314 Lambert Road Town/City: Orange State: CT

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

I, Officer Eric Ristaino #126, am a sworn Police Officer employed by the Town of Orange. I was hired on 11-15-2019 and I am assigned to the Patrol Division. On 9-15-2023, I was working a 1900-2400 hour patrol shift. My regularly scheduled shift is 1600 to 2400 but on this date, I used three hours of compensatory time off. I was dressed in my full duty uniform, consisting of a load bearing molle vest with the words "POLICE" clearly displayed on the front and back identifying me as a Police Officer. I was operating OPD Car #13, a fully marked Ford Taurus Police Interceptor (Plate# 13OR) equipped with overhead emergency lights and audible sirens. I was assigned to South Patrol, which encompasses Boston Post Road from the Milford to West Haven border, all of the commercial businesses located on Boston Post Road, as well as all business, residences, and roadways South of Boston Post Road.

At 2157 hours, I was inside of Bubbakoos Burritos at 116 Boston Post Road picking up a meal. Officer Correia and I were dispatched to Burlington Coat Factory (80 Boston Post Road) for a shoplifting in progress. Dispatch initially stated that there were two (2) suspects involved, but while en route provided an update that only one (1) suspect, described as a black male wearing a red sweatshirt and red shoes, had stolen merchandise. Officer Castelao radioed to Dispatch that she was en route to back up Officer Correia so that I could be relieved for my lunch break. Officer Correia arrived on scene moments after the dispatch and radioed in asking if the shoplifting had just occurred when Loss Prevention called or if this was a

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

Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>E. Ristaino #126</u>	Date: <u>10-12-2023</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: Craig Manneit Signature: [Signature] Date Signed: 10-12-23
Name: JERIS # 425061

Witness Name:	Witness Signature:	Date:
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STATE OF CONNECTICUT
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DIVISION OF STATE POLICE



Victim/Witness Statement of: Eric Ristaino

delayed report. Dispatch stated that they believed the incident had just occurred. Officer Correia immediately radioed in to Dispatch that he was in a foot pursuit. Officer Repice and I self-dispatched to the scene to assist. Due to the quality of his radio transmission, I was unable to make out the business that Officer Correia said he was chasing the suspect behind. At this point, I was in the area of Boston Post Road and Bull Hill Lane and activated my vehicle's overhead emergency lights in order to get to the scene faster and assist Officer Correia, who was still alone on scene. Upon activating my overhead emergency lights, my cruiser's dash camera activated and began audio and video recording. As I approached the main driveway to the Burlington Coat Factory plaza, located on Boston Post Road across from Bharat Bazaar (81 Boston Post Road), I observed Officer Correia in the distance chasing the suspect, later identified as Maurice Keys (DOB 11-13-1992), Northbound through the lot from the area of Detail Garage (80 Boston Post Road).

As I began driving towards Officer Correia's location, I observed Mr. Keys approach and enter the front passenger seat of a tan Buick sedan with Officer Correia directly behind him. The vehicle was pulled into a parking space on the West side of the Burlington Coat Factory building in the first row of spaces, approximately 3 or 4 spots in from the end. As I approached in my cruiser, I observed Officer Correia grabbing Mr. Keys and attempting to extract him from the front passenger seat of the vehicle. From my vantage point I could not see if Officer Correia was completely inside the front passenger compartment or if his feet were still on the ground.

I parked my marked cruiser behind the Buick with my overhead emergency lights still activated, angling my push bar at the rear bumper to prevent the vehicle from reversing. I immediately exited my cruiser and approached the driver door and observed a black female, later identified as Timisha Hopkins (DOB 3-8-1989), sitting in the driver seat. The vehicle ignition was off and I attempted to open the driver door to gain access to Ms. Hopkins, but the door was locked. The driver window was rolled down

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

Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>[Signature]</u> #126	Date: <u>10-12-2027</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



Victim/Witness Statement of: Eric Ristaino

approximately 2 or 3 inches and I attempted to break the glass with my hands by forcefully pushing and pulling it, but the glass did not break. I was attempting to gain access to Ms. Hopkins and extract her from the driver seat to prevent her from starting the vehicle and driving off, especially with Officer Correia being partially inside the vehicle and struggling with Mr. Keys. Due to having to immediately exit my cruiser on my arrival and how quickly the events unfolded and going hands-on in an attempt to prevent Ms. Hopkins from driving off, I was unable to safely activate my body-worn camera to begin recording the incident. As I observed Officer Correia continue to violently struggle with Mr. Keys in the front passenger seat of the vehicle and heard Officer Correia yelling something at Mr. Keys, Ms. Hopkins then started the vehicle. I yelled to her "don't do it!" several times, at which point she placed the transmission into reverse and accelerated rearward colliding with the front of my Police cruiser with Officer Correia still inside the front passenger compartment. Ms. Hopkins then placed the transmission into drive and accelerated forward, driving over a cement island which separates the parking aisles from the main plaza driveway. As the vehicle accelerated forward, I observed Officer Correia still inside the Buick with the passenger door wide open. The vehicle began to flee towards Boston Post Road via the main driveway to the plaza and I began to chase the vehicle on foot. I drew my Department issued sidearm (Glock model 45, 9mm, SN# BTUL848) with my right hand while chasing behind the vehicle on foot. I note the following: My sidearm was loaded with Orange Police Department issued ammunition which is the Speer Gold Dot 124 grain +P hollow point round; That the standard patrol loadout is one (1) full 17 round magazine inserted into the pistol, one (1) live round chambered in the barrel of the pistol, and two (2) full 17 round spare magazines, totaling 52 rounds of ammunition; That I, being a Glock Certified Armorer for the Department, ensure that my pistol is cleaned, oiled, and fully loaded at all times prior to the start of my shift; That not including the Police Department annual handgun qualification, I typically train live fire with my pistol one to two times per month on average.

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

Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>[Signature]</u>	Date: <u>10-12-2023</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



Victim/Witness Statement of: Eric Ristaino

While chasing behind the vehicle I was using my left hand to activate my portable radio to transmit that the vehicle was fleeing with Officer Correia still trapped inside. While chasing the vehicle on foot, I observed the vehicle driving erratically, swerving and braking hard at points, and I believed a violent struggle was still ensuing inside the vehicle between Officer Correia and Mr. Keys and Ms. Hopkins. The vehicle continued to accelerate towards Boston Post Road and I was unable to close distance on the vehicle on foot due to it traveling faster than I could run. I estimated that the vehicle was accelerating to speeds of approximately 15-20mph while fleeing towards Boston Post Road. As the vehicle approached Boston Post Road, a major highway in the Town of Orange with a 40mph speed limit, I saw the vehicle begin to take a right turn Eastbound towards West Haven. I knew that Officer Correia was still trapped within the vehicle. At this point, I estimate that the vehicle had traveled approximately over 100 yards with Officer Correia still trapped inside the vehicle with the passenger door open and driving erratically. I feared that Officer Correia was at an imminent risk of sustaining serious bodily injury or death if Ms. Hopkins was not stopped and continued to drive off with Officer Correia still trapped inside. I aimed the sights of my pistol at the driver seat headrest through the rear windshield, with the intention of using deadly force on Ms. Hopkins to stop the threat and prevent Officer Correia from being seriously injured or killed. From a distance of what I recall having been approximately 10-15 yards, I slowed my running in order to produce a more accurate shot and pulled the trigger on my sidearm and fired one (1) round in the direction of the vehicle's driver's side headrest. I heard the round go off, but I did not observe the vehicle's back windshield shatter, indicating that the bullet did not strike the rear windshield. I observed what I perceived to be sparks hit the ground in the direction I fired, and I believed that the round had possibly struck the pavement and missed the vehicle completely. Prior to discharging my sidearm, I did take note of the backdrop past the direction I was aiming at and saw that there were only commercial establishments which, from my experience as an Orange Police Officer, I knew were closed for business and appeared to be unoccupied.

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

Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>E. Ristaino #126</u>	Date: <u>10-12-2023</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: Carig Marescait [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



Victim/Witness Statement of: Eric Ristaino

I then radioed "Shots fired, shots fired" to Dispatch. After firing the shot, the vehicle continued accelerating away from me while making a right turn onto Boston Post Road and I no longer had a clear line of sight of the driver to safely discharge my sidearm a second time. The vehicle accelerated away at a high rate of speed, estimated to be at 30 mph, Eastbound on Boston Post Road. I then saw the vehicle come to an immediate controlled final rest for an unknown reason approximately 100 feet down the road in front of Sponge Brothers (79 Boston Post Road). At this point, I was able to safely activate my body-worn camera. It should be noted that the Department issued body-worn camera, Digital Ally FirstVu camera, only begins recording video and audio upon activation and does not have a pre-event "buffer" to capture video prior to activation. At this point, Officer Repice and Officer Castelao were arriving on scene. I approached the driver door and ordered Ms. Hopkins out of the vehicle at gunpoint alongside Officer Castelao. Ms. Hopkins did not exit the vehicle on her own and I found the driver's door to now be unlocked. I opened the door and took hold of Ms. Hopkins' left arm and directed her out of the vehicle. I positioned Ms. Hopkins at the rear of the vehicle and handcuffed her.

I then observed Officer Correia and Officer Repice violently struggling with Mr. Keys on the ground on the passenger side of the vehicle attempting to take him into custody. I left Ms. Hopkins with Officer Castelao and assisted with getting Mr. Keys into custody. Officer Correia was on the left side of Mr. Keys and Officer Repice was on the right side and they were unable to handcuff him due to him actively resisting, twisting his body around and not removing his hands from underneath his body. Mr. Keys vastly outweighed Officer Correia, Officer Repice, and I. I drew my department issued X26P taser (SN# X12009AA8), removed the cartridge, and drive-stunned Mr. Keys on the back of his upper thigh for 5 seconds. Drive-stunning is a pain compliance technique that provides an electrical shock to gain the compliance of a resisting suspect. Mr. Keys would not give his hands up from underneath his body after the first drive-stun and I had to drive-stun him approximately two or three more times on the back of his upper

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Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: Craig Moreau [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
DIVISION OF STATE POLICE



Victim/Witness Statement of: Eric Ristaino

thigh, each for 5 seconds. Mr. Keys was still actively resisting Officers, so I struck him several times on the right upper back area with a closed fist in an attempt to gain compliance. Immediately after, Officers were able to secure Mr. Keys in handcuffs.

During the struggle with Mr. Keys, one of my two spare Glock magazines on my load bearing molle vest fell out of its pouch and onto the pavement. I saw two (2) Glock magazines on the pavement next to each other and picked up the one magazine which I presumed to be mine. I later learned that Officer Castelao also dropped a magazine and picked up the second one that I saw on the ground next to the one that I believed was mine.

Once Mr. Keys was secured in handcuffs, Officer Castelao advised me of a third person inside the vehicle sitting on the passenger side rear seat. Officer Castelao and I then ordered a third person out of the rear of the vehicle. She exited without incident and was detained in handcuffs. I again advised Dispatch of the shot-fired by Police, at which point West Haven PD and AMR were dispatched to the scene to assist. I repositioned Officer Repice's cruiser to block the top of the Burlington Coat Factory driveway to contain the crime scene and placed traffic cones at the top of the driveway. West Haven PD units arrived on scene moments after, at which point I was relieved of my sidearm by WHPD Officer James Tortora. I unholstered my Glock, removed the magazine from the pistol, and manually ejected the live round from the chamber. I handed my Glock, magazine, and the live round from the chamber to Officer Tortora. I was then asked to sit in a WHPD cruiser and had no further involvement with the scene. I was later transported to Orange Police headquarters by Lieutenant DeRubeis.

During the struggle with Mr. Keys, I sustained an abrasion to the tip of my middle finger on my left hand from the pavement. I also felt my pulse and found that I had a highly elevated heart rate. I was transported from Orange Police Headquarters to Milford Hospital by Sergeant Koshes for treatment and further evaluation.

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Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>[Signature]</u>	Date: <u>10-12-2023</u>
Parent/Guardian Name:	Parent/Guardian Signature:	Date:

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

Oath Taken By: [Signature] [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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Victim/Witness Statement of: Eric Ristaino

Upon discharge, I returned to the Orange Police Department where I was photographed by Connecticut State Police Detectives. The Detectives also asked me to turn over my spare Glock magazines. It was at this time that I learned that one of the spare magazines was loaded with 16 rounds of ammunition. I believe that I picked up Officer Castelao's spare magazine from the scene instead of mine.

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Victim/Witness Name: <u>Eric Ristaino</u>	Victim/Witness Signature: <u>E. Ristaino #126</u>	Date: <u>10-12-2023</u>
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Personally appeared the signer of the foregoing statement and made oath before me to the truth of the matters contained therein.
If notarized, endorse here:

Oath Taken By: Eric Ristaino [Signature] 10-12-23
Name Signature Date Signed

Witness Name:	Witness Signature:	Date:
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