

# STATE OF CONNECTICUT DIVISION OF CRIMINAL JUSTICE

Office of the State's Attorney  
Judicial District of New Haven



Patrick J. Griffin  
State's Attorney

**Report Concerning an Officer Involved  
Use of Deadly Physical Force on  
Enfield Street in Hartford  
on January 6, 2021**

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## ABBREVIATED TIMELINE OF INVESTIGATION

- January 6, 2021 Date of incident; SA Griffin assigned to investigation; scene processed by Connecticut State Police Western District Major Crime Squad (WDMCS); investigators met with the family of Benicio Vasquez
- January 7, 2021 Post mortem examination conducted by the Office of the Chief Medical Examiner (OCME); SA Griffin and staff met with decedent's mother at her home in Hartford
- January 8, 2021 Positive identification of decedent made by fingerprint records; OCME 123 report received; preliminary status report released to public by SA Griffin
- January 9, 2021 Task Force Officer (TFO) Christopher Kiely interviewed by WDMCS investigators
- January 10, 2021 Special Agent (SA) Frederick Reeder interviewed by FBI Shooting Investigation Response Team (SIRT) (WDMCS investigator and New Haven State's Attorney's Office (NHSAO) inspector permitted to attend, but prohibited by FBI from recording, taking notes, or participating in the interview)
- January 14, 2021 TFO Kiely provided written statement to WDMCS; SA Griffin and SASA Kutzner reviewed the investigative materials compiled by the FBI-SIRT at the New Haven FBI Field Office (review and note taking were permitted, however, copying or photographing of any materials was prohibited by the FBI)
- January 21, 2021 WDMCS investigators submitted all firearms related evidence to the state forensic laboratory for analysis, excluding SA Reeder's firearm, which was in the custody and control of the FBI
- February 4, 2021 SA Griffin and members of the NHSAO participated in a video meeting and briefed Hartford Police Chief Thody and Hartford City Council members on the status of the investigation



- February 19, 2021 State forensic laboratory issued a report documenting its analysis of the evidence submitted on January 21, 2021
- March 5, 2021 FBI submitted fired cartridge cases and bullets resulting from the FBI laboratory's test fire of SA Reeder's gun to the Connecticut state forensic laboratory for comparison with evidence seized from the scene
- March 31, 2021 OCME post mortem report received by NHSAO
- April 1, 2021 State forensic laboratory issued a report documenting its analysis of the evidence submitted by the FBI on March 5, 2021, comparing SA Reeder's firearm evidence with evidence seized from the scene
- April 29, 2021 WDMCS provided overview of the investigation and investigative materials produced to date to the NHSAO; supplementary status report released to public by SA Griffin
- May 19, 2021 WDMCS Supplemental Report regarding ShotSpotter audio review received by NHSAO
- May 20, 2021 SA Griffin requested the state forensic lab examine the ShotSpotter audio for possible enhancement
- May 25, 2021 The state forensic lab report regarding the ShotSpotter enhancement received by the NHSAO
- August 19, 2021 SA Griffin and staff met with decedent's mother at her home in Hartford to review the findings of this investigation prior to public release
- August 20, 2021 SA Griffin's report finalized and submitted to the Office of the Chief State's Attorney

**REPORT OF THE STATE'S ATTORNEY  
FOR THE JUDICIAL DISTRICT OF NEW HAVEN  
CONCERNING AN OFFICER INVOLVED USE OF DEADLY PHYSICAL FORCE  
ON ENFIELD STREET IN HARTFORD ON JANUARY 6, 2021**

**I. INTRODUCTION**

Based upon a review of all available investigative materials, New Haven State's Attorney Patrick J. Griffin provides the following report and legal determinations regarding the use of deadly physical force by members of a Federal Bureau of Investigation (FBI) led multi-agency task force in the vicinity of 98 Enfield Street in the City of Hartford at approximately 9:17 a.m. on Wednesday, January 6, 2021. On that morning, Benicio Vasquez (d.o.b. 04/12/1986), a Hispanic male, age 34, died of multiple gunshot wounds following an exchange of gunfire with task force members.

On the date of the incident, New Britain Police Detective Christopher J. Kiely was assigned as a Task Force Officer (TFO) to the FBI Northern Connecticut Violent Gang Task Force (NCVGTF). Members of this task force, along with members of a second task force known as the FBI Connecticut Violent Crimes Task Force (CVCTF), including supervising FBI Special Agent (SA) Frederick H. Reeder, were on Enfield Street that morning for the purpose of serving a federal arrest warrant upon Brandon Spence (d.o.b. 01/03/1988), age 33, of Hartford. Spence was alleged to be in violation of his federal parole related to a firearms charge. In the course of the operation to take Brandon Spence into custody, SA Reeder and TFO Kiely encountered Benicio Vasquez. The facts and circumstances giving rise to the exchange of gunfire between them, as well as the investigative response, are examined in detail hereafter.

**A. Initial Investigative Response**

In the immediate aftermath of the shooting, responding members of the Hartford Police Department and FBI Special Agents secured the scene. Hartford State's Attorney Sharmese L. Walcott was promptly notified of the incident, and Division of Criminal Justice Inspectors from the Hartford State's Attorney's Office were dispatched to assist at the scene. Nonetheless, because the officer involved shooting occurred within the Judicial District of Hartford, pursuant to Division of Criminal Justice policy, Chief State's Attorney Richard J. Colangelo, Jr. was required to designate a State's Attorney from another Judicial District to conduct the investigation into the circumstances surrounding the death of Benicio Vasquez.<sup>1</sup> The undersigned, Patrick J. Griffin, State's Attorney for

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<sup>1</sup> The policy followed by the Chief State's Attorney in naming a State's Attorney from another Judicial District to review this use of deadly force incident was formerly mandated by C.G.S. § 51-277a. The Connecticut State Legislature statutorily removed this responsibility from the Chief State's Attorney with the passage of P.A. 20-1, July 2020 Special Session (the "Police Accountability Act"), wherein the legislature transferred the duty of making the use of force determination in such cases from the various State's Attorneys to the newly established Office of the Inspector General. See C.G.S. § 51-277e, as repealed and replaced by P.A. 21-8, January 2021 Session. To date, the new position of Inspector General remains unfilled. Though no longer mandated by statute, the Chief State's Attorney has, in the absence of

the Judicial District of New Haven, was designated to oversee the investigation and, upon completion, to determine the circumstances of the incident, whether the use of deadly physical force by the officers was justifiable under C.G.S. §53a-22, and to indicate any future action to be taken by the Division of Criminal Justice as a result of the incident.

On the morning of the incident, the undersigned State's Attorney, along with inspectors and prosecutors from the New Haven State's Attorney's Office, arrived on scene at approximately 10:56 a.m. and remained on scene in Hartford until approximately 4:30 p.m. to coordinate investigative efforts. Because the use of deadly physical force involved a federal agent, as well as a local police officer assigned to a federal task force, Leonard C. Boyle, First Assistant U.S. Attorney for the District of Connecticut<sup>2</sup>, likewise responded to the scene for the purpose of facilitating and assisting in the joint state and federal response and investigation with the undersigned State's Attorney.<sup>3</sup>

The undersigned State's Attorney requested that the Connecticut State Police process the scene and conduct the investigation. In response to the request, at approximately 10:00 a.m., the Western District Major Crime Squad (WDMCS) was tasked with this responsibility. Following a briefing and limited walkthrough, processing of the

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the appointment of an Inspector General, and in the continued interests of public confidence in a conflict free investigation, continued to designate State's Attorneys pursuant to a policy which mirrors prior law.

<sup>2</sup> Subsequent to the shooting, Mr. Boyle was appointed as Acting United States Attorney for the District of Connecticut upon the resignation of United States Attorney John Durham.

<sup>3</sup> The undersigned wishes to thank the United States Attorney's Office (USAO) for its prompt response and collaboration in ensuring the integrity of the investigative process from the outset. The State of Connecticut and the United States governments obviously share an interest in a proper and timely investigation of this matter. Nonetheless, the state and federal governments have inherently differing roles in reviewing the incident.

The role of the State's Attorney, as provided in the Connecticut constitution, is to enforce the criminal laws of the State of Connecticut. See Conn. Const., amend. XXIII. Thus, whenever there is a use of deadly physical force by a law enforcement officer in Connecticut, whether by a local, state, or federal actor, until the appointment of the Inspector General, it is the duty of the State's Attorney to determine if that use of deadly physical force was lawful under Connecticut state law. Toward that end, Connecticut's citizens deserve no less than a thorough and rigorous investigation, conducted in a timely and transparent manner.

For its part, the FBI has both a criminal and an administrative interest in an investigation anytime an agent, or task force officer, discharges a weapon in the line of duty resulting in injury or death. Thus, whenever an agent is involved in such an incident, the FBI Headquarters in Washington D.C. dispatches its Shooting Incident Review Team (SIRT) to investigate and conduct a review of the circumstances surrounding the shooting to determine, *inter alia*: the conditions at the time of the shooting; what led to the incident; whether the shooting was the result of an accidental discharge or intentional conduct; whether the agent's weapon was improperly modified; and whether the agent involved complied with established policies and procedures, particularly the Department of Justice Deadly Force Policy. The findings of the SIRT are thereafter forwarded to the Department of Justice Civil Rights Division for an independent review to determine if the use of force was reasonable under the circumstances or whether it constituted a violation of civil rights.

scene commenced at approximately 1:45 p.m. with the assistance of members of the FBI New Haven Evidence Response Team (ERT).

## **B. Materials Reviewed**

On January 11, 2021, the FBI Shooting Incident Review Team (SIRT) conducted a telephone briefing of their investigative efforts for WDMCS investigators and members of the NHSAO and USAO. Among the issues discussed was coordinating the sharing of information between the FBI Laboratory in Quantico, Virginia, at the federal level, and the WDMCS and Connecticut Division of Scientific Services Forensic Laboratory at the state level, regarding the firearm used by SA Reeder on January 6, 2021.<sup>4</sup> It was proposed that all ballistic testing of SA Reeder's firearm would be conducted by the FBI laboratory, and that samples of fired cartridge cases and projectiles, along with chain of custody documentation, would be forwarded to the Connecticut forensic laboratory for analysis and comparison with evidence recovered from the scene. It was further agreed that, though they would not be permitted to take possession of the items, WDMCS investigators would be provided with the opportunity to examine and photograph other items of evidentiary value related to SA Reeder that were in the custody and control of the FBI.

On January 14, 2021, the undersigned, accompanied by Senior Assistant State's Attorney David M. Kutzner of the NHSAO, was afforded an opportunity to go to the New Haven FBI offices to review the investigative materials compiled by the FBI-SIRT. While review and note taking were permitted, pursuant to an FBI directive copying or photographing of any materials was prohibited. Included among the materials reviewed were an executive summary, reports of interview statements provided by all FBI agents involved in the incident, scene sketches produced by the FBI-ERT, witness statements, and firearms information.

On April 29, 2021, upon conclusion of its portion of the investigation, the WDMCS provided the NHSAO with copies of investigative materials which included, *inter alia*: its investigation overview; a written, signed, and sworn statement by New Britain Police Detective (Task Force Officer) Christopher J. Kiely, dated January 11, 2021; New Britain Police Department policies, including "Use of Force"; Detective Kiely's personnel records; Benicio Vasquez's criminal history; Hartford Police support officers' reports; Hartford Police arrest team reports; Central District Major Crime Squad reports; Western District Major Crime Squad reports; four (4) FBI special agent reports (limited to the investigative assignments of the ERT, and interviews of three civilian witnesses); witness statements; scene report, diagrams, and photographs; reports and photographs regarding law enforcement officer processing; medical examiner report and autopsy photographs; evidence exhibit reports; laboratory reports; video review reports; audio review reports; body camera video and review reports; Shot Spotter report; search warrant for a white 2020 Jeep Gladiator and processing photographs; search warrant for a 2007 Infiniti M35

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<sup>4</sup> As discussed in Section V.F., *infra*, in the aftermath of the shooting, the FBI's Principle Firearms Instructor and the FBI New Haven Evidence Response Team took possession of SA Reeder's handgun, as well as all of his equipment and clothing.

and processing photographs; American Medical Response (AMR) reports; and search warrant for the medical records of Benicio Vasquez, with responsive documents.

On May 20, 2021, NHSAO inspectors submitted audio recordings obtained from the Hartford PD Shot Spotter system to the Connecticut Division of Scientific Services Forensic Laboratory for the purpose of enhancement and analysis. NHSAO inspectors obtained the results of those efforts on May 25, 2021. See Section V.I.6., *infra*.

On June 23, 2021, the undersigned, along with members of the NHSAO, conducted a Zoom meeting with Associate Medical Examiner Michael Hays of the Office of the Chief Medical Examiner for the purpose of discussing the results of Benicio Vasquez's autopsy.

## II. INCIDENT SUMMARY

The following summary of the events on Enfield Street on the morning of January 6, 2021, is constructed from a review of all available investigative materials compiled by the WDMCS following its investigation of this incident, as well as review of the investigation conducted by the FBI Inspection Team. It bears noting at the outset that, as a matter of federal policy in place at the time, none of the FBI agents involved in the operation were equipped with body-worn cameras. Local officers assigned as task force officers to the FBI led multi-agency task forces were not wearing body-worn cameras that day. Detective Kiely's New Britain Police Department did not have body-worn cameras at the time, and did not transition to body-worn cameras until April 2021. Therefore, no such video of the actual use of force exists to aid in any review of this incident. Body-worn camera footage is limited to HPD officers who participated in the arrest of Brandon Spence and those uniformed HPD officers responding to the scene after the fact. Similarly, no vehicle utilized that morning by any of the special agents or task force officers was equipped with dash board cameras. The only available dash board camera footage is that provided by responding marked HPD cruisers, none of which captures the use of force or any of the events on Enfield Street preceding it.

As detailed hereafter, a canvass of the scene in the aftermath of the shooting, as well as follow-up investigation, disclosed the availability of video evidence from a camera affixed to a building located at 102-104 Enfield Street which captured a portion of the events preceding the use of force that morning, but not the actual use of force incident itself. See Section V.I.2., *infra*. Additionally, cellphone video footage obtained from civilian witnesses, though not capturing the actual use of force incident, nonetheless provided invaluable evidence regarding the actions of officers in the immediate moments following the use of force. See Sections V.I.4-5., *infra*.

Because video evidence of the use of force itself is lacking, any review of this incident is highly dependent upon the documented observations and recollections of those witnesses on scene at the time, both law enforcement and identified civilians, as compared with the physical evidence. It is noteworthy that, with respect to interviewing and obtaining statements from the federal agents involved, pursuant to FBI policy state

investigators must rely entirely upon the efforts of the FBI-SIRT. Of particular note, although state investigators were allowed to attend the interview of SA Reeder, in line with standard FBI policy they were denied any opportunity to question the witness themselves, nor were they permitted to make contemporaneous notes of the interview.

Taking into account the number of persons involved, their differing vantage points, as well as the chaotic nature and stress of this quickly evolving event, it is hardly surprising, in reviewing this incident, to find minor variations in the after-the-fact accounts provided by the various witnesses. The scarcity of video evidence required these variations be reconciled, where possible, by commonalities among the accounts, as well as by reasonable inferences that can be drawn from the physical evidence. Nonetheless, whenever video or audio evidence was available, it was utilized along with any physical evidence seized from the scene to corroborate, or refute, the recollections of both law enforcement and civilian witnesses. Importantly, while minor variations in witnesses' accounts were noted by investigators, on the whole the investigation of the incident conducted by the WDMCS, and reviewed by the undersigned, has revealed no significant discrepancies with regard to material issues surrounding the use of force.

#### **A. Enfield Street**

The location of this incident, Enfield Street, is a residential neighborhood consisting of mostly multi-family homes in the North-End of Hartford. Enfield Street is a two-lane road which runs north and south, with one lane of travel in each direction. There are curbs and sidewalks running along both the eastern and western sides of the road. The particular stretch of Enfield Street where this incident occurred is bordered on the south by Greenfield Street and to the north by Capen Street, which each run east and west. Between the location of this incident and the intersection of Enfield and Capen Streets to the north, lies Mansfield Street, a one-way street which enters Enfield Street from the west. Garden Street runs parallel to Enfield Street to the east.

#### **B. Reason For The Law Enforcement Presence On Enfield Street**

On January 6, 2021, Brandon Spence was wanted on an outstanding federal arrest warrant for a violation of parole. Spence, paroled on a prior firearms conviction, was alleged to be in violation of 18 U.S.C. § 3583(g)(2), after having been observed in possession of a firearm while on supervised release. Spence was also the suspect in a December shooting in Hartford (investigated and documented under HPD Case # 2020-37551). Members of the NCVGTF and the HPD Vice, Intelligence, and Narcotics Division (VIN) had been actively attempting to locate Spence for service of the federal warrant.

Hartford Police Detective Jeffrey Moody, serving as a TFO with the FBI's NCVGTF, reported that he received information that morning from a confidential informant that Spence was on Enfield Street wearing a red puffy jacket. Multiple law enforcement witnesses reported that, beginning at approximately 8:45 a.m., TFO Moody shared the information with other task force members, as well as with Hartford detectives, via radio, seeking to determine the availability of investigators to participate in an apprehension of

Spence in the event the information provided could be corroborated.<sup>5</sup> A number of investigators confirmed their availability, positioning themselves in a perimeter on streets surrounding Enfield Street awaiting confirmation and further direction.

Investigators involved in the apprehension of Spence that morning indicated that, because of the short notice regarding Spence's location, there was no formal operational plan in place for executing the arrest. Nonetheless, given TFO Moody's positioning, it was understood that he was directing the arrest operation as it evolved.

TFO Moody reported that, beginning at approximately 8:43 a.m., he began surveillance to confirm the information provided by the informant, positively identifying Spence in the company of two other individuals, later identified as Benicio Vasquez and Samuel Colbert. The three men were observed standing in the road near 101-103 Enfield Street, at times around a white Jeep Gladiator with New York license plates, parked on the western curbside facing south. The Jeep Gladiator's presence was significant to investigators because the operator of a vehicle fitting its description had allegedly been in possession of an illegal firearm the previous week, on New Year's Eve, and was suspected in a "shots fired" investigation in Hartford. The men were also observed near a tan Infiniti which was pulled over on the same curbside, behind the Jeep Gladiator.<sup>6</sup> Multiple investigators reported that Moody advised them by radio that, while under surveillance, Spence appeared to be conducting hand to hand transactions, consistent with the distribution of narcotics.

Having confirmed Spence's presence on Enfield Street, TFO Moody undertook coordinating efforts for his apprehension via radio with responding investigators from the NCVGTF, CVCTF, HPD VIN, and the HPD Auto Theft Unit, including establishing the anticipated roles of responding investigators when given the order to move in for the arrest. The coordinated response entailed approaching Spence's location on Enfield Street from both the north and the south so as to prevent his escape by motor vehicle.

The law enforcement personnel participating in the arrest operation were operating various undercover vehicles. Nevertheless, Spence later indicated in an interview with WDMCS investigators that, when he saw unmarked Chevrolet Impalas on Enfield Street, with two other unmarked vehicles he believed to be police, he knew of the law enforcement presence and began to walk away.<sup>7</sup> Video surveillance footage (see footnote

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<sup>5</sup> All times noted throughout this report are approximate, and are based upon a reconciliation of all available records. Where determined to be relevant, the particular source of a time is identified.

<sup>6</sup> TFO Moody's observations are corroborated by video surveillance footage obtained by WDMCS investigators from a fixed camera, located on the building at 102-104 Enfield Street, which captured activities occurring on that portion of Enfield Street. See Section V.I.2., *infra*.

<sup>7</sup> Brandon Spence voluntarily agreed to be interviewed by WDMCS Detectives Catherine Koeppel and Duane Lopriore while in custody at the Hartford Correctional Center. While he told investigators he did not witness the actual use of force incident itself, Brandon Spence provided significant information related



6, *supra*) confirms investigators involved in the arrest operation were wearing outerwear and protective vests that clearly identified them as law enforcement officers.

TFO Moody reported he gave the direction to converge on Spence at approximately 9:16 a.m. As planned, investigators converged upon Spence's location on Enfield Street in multiple vehicles, from both the north and the south. The first vehicle in line approaching from the north was an unmarked gray Impala operated by HPD Officer Brian Hermann. As he neared the group, Officer Hermann reported he activated the Impala's emergency lights. He pulled the Impala up next to the tan Infiniti, which was parked on the western curbside facing south.<sup>8</sup> Simultaneously, the first vehicle in line approaching from the south, an unmarked black Dodge Ram pickup truck, operated by Detective Benjamin Lee of the HPD Auto Theft Unit, with HPD Officer Christopher Larson as a passenger, came to a stop with its nose at an angle in front of the tan Infiniti, blocking its potential for forward movement. Detective Lee reported that his black Dodge Ram was now situated at an angle between the front of the tan Infiniti and the rear of the white Jeep Gladiator, which was parked on the same curbside.

When Officer Hermann pulled alongside the Infiniti, he observed the individual later identified as Samuel Colbert raise his hands in the air. Officer Hermann saw Spence take a step, as if to begin to flee, but related that Spence was quickly taken into custody without incident by Officer Larson, who had jumped out from the passenger side of the black Dodge Ram. Officer Hermann exited his car to assist Larson by securing Colbert.<sup>9</sup>

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to Vasquez's actions prior thereto, which corroborated the accounts provided by other witnesses. See Section VII.A., *infra*.

<sup>8</sup> Hartford Police Detective Greg Corvino reported he was a passenger in an unmarked gray Dodge Durango operated by TFO Abhilash Pillai (an HPD detective). The Durango was trailing the Impala operated by HPD Officer Hermann. As he approached, Detective Corvino observed Spence turn quickly and lean into the open front window of the Infiniti. As Detective Corvino watched his movements, Spence abruptly moved his arms from his front waist area through the open car window, then quickly removed them. Based upon his training and experience, Detective Corvino recognized this action, under the circumstances, to be consistent with discarding a weapon or contraband. Upon later speaking with the operator of the Infiniti, Shameka Kelly, Detective Corvino observed what appeared to be a packet of crack cocaine inside the vehicle, which he seized. Kelly revealed that Spence had dropped the packet into her car as officers approached. Kelly also told investigators that, prior to the arrival of officers on Enfield Street, Spence had given her a small amount of "weed" (marijuana) that he wanted her to roll into a marijuana cigarette for them to smoke. Kelly expressed that she was concerned when officers converged on her car because of the marijuana and because Spence and Vasquez left the bottle of "Hennessy" liquor they had been drinking on the hood of her car.

<sup>9</sup> Samuel Colbert was arrested by Officer Hermann after a wants/warrants check revealed that he had an active arrest warrant pending for charges stemming from East Hartford. It was also determined that Colbert was the owner of a black Nissan Maxima that was located on scene, parked along the western curbside facing south behind the tan Infiniti.

On January 6, 2021, Samuel Colbert was interviewed by two FBI special agents while seated in the back of a police cruiser. The interviewing agents identified themselves to Colbert and indicated the nature of the interview. In response to questioning regarding the use of force incident on Enfield Street, Colbert claimed that he "saw what had happened," but indicated he was unwilling to speak to the

### C. Benicio Vasquez's Attempted Flight In The White Jeep Gladiator

As investigators began to converge on Spence and Colbert, the third member of the group, later identified as Benicio Vasquez, was seen by multiple investigators walking quickly to the passenger side of the parked white Jeep Gladiator, which he hurriedly entered.<sup>10</sup> Observing this, TFO Christopher J. Reeder (an HPD Detective), driving an unmarked blue Ford F150 pickup truck, the second police vehicle in the line approaching from the south, reported he brought the truck to a stop nose-to-nose with the white Jeep Gladiator. FBI SA Frederick H. Reeder, the TFO's brother, later told FBI interviewers he was the front seat passenger in the Ford pickup.<sup>11</sup>

While TFO Reeder was pulling his pickup to the front of the white Jeep Gladiator, Detective Lee reported he was simultaneously approaching the Jeep's passenger side window on foot from the rear, with his firearm drawn. Upon stopping their black Dodge Ram, Detective Lee and Officer Larson jumped from the vehicle, with Larson immediately confronting and handcuffing Spence, while Lee pursued Vasquez. While coming to a stop, Lee had observed Vasquez enter the Jeep Gladiator from the passenger side and continue to crawl across the center console and into the driver's seat. Through the tinted glass, Lee could see Vasquez lean over the center console of the vehicle. Given the combination of Vasquez's evasiveness, the nature of Spence's arrest warrant, and information related to the subject vehicle's suspected role in a shooting incident days earlier, Lee recalled that he feared Vasquez might be attempting to retrieve a weapon

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interviewing agents about it. He further stated he "would only talk to the family [of Benicio Vasquez]." Colbert was not willing to provide the interviewing agents with a telephone number, stating he could change telephone numbers easily. Nor did he wish to take the telephone number of the interviewing agents, volunteering that he did not trust the police. Colbert concluded by wishing the interviewing agents a pleasant day.

On January 11, 2021, WDMCS investigators contacted Samuel Colbert using a cell phone number they obtained during the course of their investigation. Investigators identified themselves, advised Colbert they were aware he was on scene during the incident, and requested that he speak with them regarding his observations. Colbert responded, "I don't know how you got my fucking number," and, "don't call me no more." Instead he referred investigators to his attorney, Michael Chambers, Jr. Later that day, WDMCS investigators spoke by telephone with Attorney Chambers, who confirmed Colbert would not voluntarily submit to an interview regarding the incident and had no intention of providing a written statement.

A review of the surveillance video footage from the camera affixed to the building located at 102-104 Enfield Street reveals that Colbert was not in a position to see the events which occurred in the driveway of 98 Enfield Street. See Section V.I.2., *infra*.

<sup>10</sup> As noted in footnote 6, *supra*, video surveillance footage later obtained by WDMCS investigators from a camera mounted on the building located at 102-104 Enfield Street, captured events on this portion of Enfield Street as they unfolded.

<sup>11</sup> SA Reeder explained to FBI interviewers that he met his brother, TFO Reeder, several blocks from Enfield Street in order to ride in TFO Reeder's unmarked pickup truck because his own FBI vehicle was readily identifiable as a police vehicle and, therefore, not suitable for surveillance. In light of this incident, the advisability of allowing immediate family members to participate together in planned high-risk law enforcement operations should be carefully examined by the involved agencies.

from the vehicle. With this in mind, Lee drew his firearm and pointed it into the passenger compartment of the Jeep Gladiator, shouting commands to Vasquez to show his hands. Video surveillance footage shows Detective Lee was wearing body armor emblazoned with large yellow block lettering indicating "POLICE" on both the front and back, clearly identifying him as law enforcement.

As Detective Lee was shouting commands to Vasquez from the passenger side, SA Reeder exited the Ford pickup truck and began to approach the driver side of the Jeep Gladiator from the front. Video surveillance footage confirms SA Reeder was wearing a black tactical vest which said "POLICE" in large yellow lettering on the front and back. At this point, Vasquez, in the driver's seat of the running Jeep Gladiator, abruptly reversed the vehicle, violently striking Detective Lee's Dodge Ram behind him. SA Reeder told FBI interviewers he ran to the driver's door of the Jeep Gladiator and opened it in an attempt to stop Vasquez and pull him out. With SA Reeder's hand on the door handle, Vasquez accelerated the Jeep Gladiator forward, pulling away from SA Reeder as the vehicle climbed over the curb and onto the sidewalk. In the process, Vasquez nearly struck TFO Reeder who, in the interim, had exited the driver side of the Ford pickup truck and was standing on the sidewalk.

TFO Reeder related that he has had extensive police contact with Vasquez in the past, such that Vasquez knew him by name. From his position on the sidewalk, TFO Reeder yelled at Vasquez to stop. TFO Reeder recalled that Vasquez looked directly at him before accelerating in his direction, and that he had to jump out of the way to avoid being struck by the Jeep Gladiator, which continued southbound on the sidewalk, around TFO Reeder's pickup truck, before returning to the travel portion of Enfield Street.

The Jeep Gladiator accelerated recklessly in a southerly direction down Enfield Street, disappearing from the view of the surveillance camera, as investigators gave chase on foot. Among those in pursuit were SA Reeder, TFO Reeder, TFO Pillai<sup>12</sup>, TFO Kiely<sup>13</sup>, and TFO Moody<sup>14</sup>. As it careened on at high speed, the Jeep Gladiator swerved to its left to avoid a collision with a black Nissan Rogue operated by TFO Michael Caron

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<sup>12</sup> As indicated in footnote 8, *supra*, TFO Pillai reported he had been operating an unmarked gray Dodge Durango, which was among the law enforcement vehicles approaching Spence's location from the north. He and his passenger, HPD Detective Greg Corvino, exited their vehicle near HPD Officer Hermann's Impala, in the vicinity of where Spence and Colbert were being taken into custody.

<sup>13</sup> In a sworn, written, and signed statement, TFO Kiely stated he had been operating an unmarked Chevrolet Blazer, which was also among the multiple law enforcement vehicles approaching Spence's location from the north. As Spence was already in custody when TFO Kiely exited his vehicle, he stated he ran on the eastern sidewalk, chasing the Jeep Gladiator, after he heard it strike another vehicle and observed it driving erratically on Enfield Street.

<sup>14</sup> TFO Moody reported that, after conducting the initial surveillance of Spence, and coordinating the arrest operation by radio, he was also among those that converged on Enfield Street from the north. After observing the Jeep Gladiator strike Detective Lee's Dodge Ram and nearly strike TFO Reeder, TFO Moody joined in the foot pursuit of the Jeep, running southbound on the western sidewalk.

(an HPD Detective). In doing so, the Jeep crossed over into the northbound lane of travel and collided head-on with a blue FBI Chevrolet Tahoe being operated by an FBI special agent. The special agent told FBI interviewers that, at the time of the collision, the FBI Tahoe's emergency lights were activated, clearly identifying it as a law enforcement vehicle. The special agent driving further indicated to interviewers that the impact of the collision caused the driver side airbag of the FBI Tahoe to activate, such that his view of events occurring immediately post-collision were obstructed.

Witnesses indicated, and investigation confirmed, the front of the FBI Tahoe made contact with the Jeep Gladiator at its one-o'clock position, sending the latter into a further collision with a telephone pole, where it came to rest, disabled, on the eastern shoulder of the road, near 98 Enfield Street.<sup>15</sup> Though he did not view the actual collision, Detective Lee reported that from his vantage point he could see the telephone pole was left shaking as a result of the intensity of the impact. Vasquez could be heard revving the engine of the Jeep in an attempt to get it to move. In an effort to ensure the Jeep could not reverse from its current position, TFO Caron reported he attempted to place the front passenger side of his Nissan Rogue behind the rear passenger side of the Jeep, impacting it in the process. The Jeep Gladiator now inoperable, Vasquez next attempted to continue his flight on foot.

#### **D. The Foot Pursuit And Exchange Of Gunfire**

A civilian witness, Hector Rosado, interviewed by WDMCS investigators on January 11, 2021, stated that he witnessed Vasquez's attempted flight, including the Jeep Gladiator's collision with the telephone pole. Rosado's entire interview was recorded by investigators utilizing a handheld audio recorder. He also provided investigators with a sworn, written, and signed statement attesting to what he observed.

The witness related that he was traveling on Enfield Street in a southerly direction when he was passed by a blue Sport Utility Vehicle (SUV) which he surmised was being operated by law enforcement officers. He indicated that the SUV stopped in front of him, and clearly identifiable officers exited to assist other officers that were with a "gold colored" car that was on the right side (western portion) of the road with a black female, with shoulder length hair, in the driver's seat.<sup>16</sup> As he stopped, Rosado's attention was drawn further down Enfield Street to the "sunlight reflection from a rocking vehicle," which he described as a suspect trying to flee. The disturbance he witnessed caused him to fear his own car might be damaged in the event the vehicle turned in his direction in its attempt to flee, such that he pulled his car to the eastern shoulder of Enfield Street to be out of the way. As he continued to look, the witness recognized the vehicle was a white

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<sup>15</sup> As part of their investigation, WDMCS investigators secured and towed the Jeep Gladiator to the CSP Troop L garage in Litchfield. Later examination of the vehicle by WDMCS investigators, pursuant to a search warrant, revealed that the vehicle's driver side airbag had deployed and the passenger side front wheel of the vehicle was canted inward, which investigators determined was most likely due to a broken suspension and/or steering linkage parts. See Section V.G., *infra*.

<sup>16</sup> Based upon his description, it can be inferred that the witness is referencing the tan Infiniti operated by Shameka Kelly. See footnote 8, *supra*.

Jeep with a New York license plate. As he watched, the Jeep collided with a telephone pole.

Rosado recounted that, a few seconds after the crash, the driver door of the Jeep opened and the driver got out. The driver was wearing baggy pants and a hooded sweatshirt with a "kangaroo pouch" in the front. Police running to the site of the crash were yelling at the driver. Rosado stated that the driver immediately put his hands in the air and took a few steps in the direction of the police officers, leading the witness to believe that he was going to surrender. However, the witness observed that, after the driver took those few steps, he suddenly turned away from the police, pulled his hands down, and put them into the kangaroo pouch of the sweatshirt in one fluid movement. The driver then started to run away, up a driveway and out of the witness's sight, with police officers chasing behind him. Rosado maintains that the police were shouting the entire time as they chased after the driver. The witness then heard multiple gunshots, after which he says it was "mayhem," as more and more police and medical personnel arrived.

Rosado's observations are consistent with those of the investigators pursuing the Jeep Gladiator on foot. Like the civilian witness, the four closest pursuing investigators, SA Reeder, TFO Kiely, TFO Reeder, and TFO Pillai, all observed that as they approached Vasquez after he exited the Jeep, his hands were concealed by his clothing, either within his front sweatshirt pockets, or under his clothing in the front area of his waistband. SA Reeder told FBI interviewers that he recalls that he yelled at Vasquez, "Let me see your hands!" At the time, SA Reeder's own hand was on his firearm, but he had not drawn it from its holster. In a sworn, written, and signed statement, TFO Kiely explained that he believed, based upon his training and experience, Vasquez's motions were consistent with someone attempting to pull a firearm from their sweatshirt pocket. Kiely, with his weapon drawn and pointed at Vasquez, shouted "Don't do it motherfucker!"

SA Reeder told FBI interviewers that Vasquez ignored his commands to show his hands, instead turning and running southbound on the sidewalk, then eastbound up the driveway of 98 Enfield Street.<sup>17</sup> As investigators chased him, Vasquez slowly ran with his hands in the same concealed position, giving the appearance to investigators that he was holding something as he ran. Vasquez led investigators up the driveway, in what TFO Kiely described as "a fairly slow paced foot pursuit." As he did so, Vasquez continued to appear to manipulate the front of his sweatshirt.

TFO Reeder, TFO Kiely, and SA Reeder all indicated that SA Reeder was closing in behind Vasquez in the driveway, to a distance estimated to be approximately three feet. TFO Kiely maintained that he followed directly behind SA Reeder a few feet further back, some eight to twelve feet from Vasquez. TFO Reeder recalled that, as they continued up the driveway, he trailed several steps behind them, followed by TFO Pillai.

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<sup>17</sup> WDMCS investigators documented that the paved driveway of 98 Enfield Street up which Vasquez fled is eight feet wide. At the point where the driveway intersects with the sidewalk, the driveway lies slightly below the adjoining front yards and rises gradually uphill to a parking area to the rear of the building. Where the driveway lies lower than these yards, it is bordered on the north side by a short concrete retaining wall, and on the south side by a curb and a four to six foot tall chain link fence.

SA Reeder told FBI interviewers that, because he heard TFO Kiely say Vasquez had a pistol, he drew his own firearm as he ran. Seeing SA Reeder with his gun drawn in front of him, and believing someone might need to go "hands on" with the suspect, TFO Kiely recounted that he attempted to re-holster his own gun. Halfway up the driveway, TFO Kiely observed Vasquez withdraw a firearm from his pocket. He remembers yelling "Drop the gun!"<sup>18</sup> All four investigators in the driveway specifically recall that Vasquez turned toward them with a gun in his right hand, which he pointed at them and fired, before any law enforcement officer discharged a weapon.

TFO Pillai, the furthest back of the four investigators pursuing Vasquez up the driveway, reported as follows:

"As Vasquez approached the middle portion of the driveway, I observed Vasquez retrieve, what appeared to be a black/tan colored firearm from underneath his jacket and turn the right portion of his body towards me and the other officers . . . that were behind him. In Vasquez's right hand was the firearm that he had just retrieved. Vasquez then pointed the firearm at our direction and discharged several rounds towards us as he continued to run slowly up the driveway.

At this point, I retrieved my firearm and kept it at the 'low ready' position due to the potential cross fire situation involving the other officers. At the same time, I observed SA F[rederick] Reeder discharging several rounds from his firearm, towards Vasquez's direction. At this point, I observed Vasquez fall onto the ground."

In his written report of the incident, TFO Reeder, the investigator immediately in front of TFO Pillai, described his observations of the events which occurred in the driveway:

"SA Reeder, and Detective Kiely (New Britain PD) were pursuing Vasquez on foot and were a step or two ahead of me and only a few feet behind Vasquez. I observed Vasquez turn around holding a handgun in his right hand. The handgun was pointed in our direction and then I heard multiple gunshots. I broadcast over my police radio, 'shots fired' and our location. I observed Vasquez fall to the ground and he was lying on his back."

From his vantage point, TFO Kiely observed Vasquez turn quickly towards his pursuers and fire "multiple shots" at SA Reeder and himself. In a sworn, signed, written statement TFO Kiely recounted:

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<sup>18</sup> As detailed in Section V.I.6., *infra*, TFO Kiely's recollection is corroborated by audio recovered from the Hartford PD ShotSpotter system. The audio, submitted to the Division of Scientific Services forensic laboratory for the purpose of enhancement and analysis, reveals that immediately preceding any gunfire, a loud voice can be heard shouting instructions consistent with "Drop the gun!"

"I was sure that the fleeing suspect had fired. I stopped re-holstering, . . . and believed SA Reeder, who was in very close proximity to the suspect (approximately 3 feet), had been shot. As the suspect turned and pointed his firearm on me, I saw the muzzle blast from the gun and heard the distinct sound of gun-fire. I believed I was actively taking rounds. Despite SA Reeder being in close proximity, I made the determination to fire on the suspect in an attempt to stop the suspect before he could kill or injure SA Reeder, myself, or the other members of the arrest team who were in pursuit of the suspect up the driveway behind me. I had fired on the suspect very quickly and was using a point and shoot technique due to how quickly the suspect started firing on us and my distance from him (8-12 feet). As I fired, I observed and heard SA Reeder discharging his firearm at the suspect. After a shot volley, the suspect dropped onto his back on the ground. I moved in to assist in securing the suspect."

SA Reeder, the closest of Vasquez's pursuers, told FBI interviewers that, having heard TFO Kiely's warning that Vasquez had a pistol, he drew his own firearm as he ran, recalling that:

"I . . . saw Vasquez turn toward me with a gun in his right hand. Vasquez fired one shot at me. I saw the smoke and could feel the debris from the weapon's discharge. Fearing for my life, and the lives of the TFOs on scene, I fired six shots<sup>19</sup> from two to three feet away, with my right hand. As Vasquez fell to the ground, I kneeled on top of him. I grabbed his right hand with my left, and pinned it to the ground, so he could not grab his gun which was on the ground approximately six inches away from him. I put the muzzle of my firearm under his chin. While still on the ground, I saw Vasquez cough up blood, and then I saw his eyes go blank."

TFO Reeder reported that, as he approached Vasquez on the ground, the handgun he observed was lying next to Vasquez's right hand. TFO Reeder quickly secured it, fearing that Vasquez may try and recover the weapon and shoot at law enforcement. Other investigators recalled that TFO Reeder indicated to them "I have the gun." Upon handling the firearm, TFO Reeder observed that there was a spent cartridge case "stove piped" in the ejection port.<sup>20</sup> TFO Reeder relates that he cleared the jam and "made the gun safe."

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<sup>19</sup> SA Reeder made clear to interviewers that his belief on scene after the shooting was that he had discharged six shots at Vasquez. He stated, however, that he believed he was carrying fifteen rounds of service ammunition in his weapon. SA Reeder explained that he typically loads a firearm with a fifteen round magazine and does not "top it off." Upon later examination of his handgun, he had eight rounds remaining, which led him to believe he must have fired seven rounds.

<sup>20</sup> As he explained, a "stove pipe" is a jam created in a semiautomatic weapon by a "failure to eject" malfunction. It occurs when, after a semiautomatic weapon is fired, rather than ejecting a fired, or "spent," cartridge case clear of the firearm's ejection port as designed, a cartridge case instead fails to eject properly and gets caught by the handgun slide, thus becoming stuck straight up in the ejection port. The stuck spent



TFO Moody reported that, as he approached, Vasquez was laying on his back, his hands above his head, with SA Reeder on top of him. As TFO Reeder was retrieving Vasquez's gun, TFO Moody assisted SA Reeder by securing Vasquez's hands in handcuffs. SA Reeder told FBI interviewers that, with Vasquez now secured, he stood up, holstered his firearm, and took a step back. At that moment, SA Reeder relates, he believed he had been hit with gunfire, as he had blood on his hands and pants.

#### **E. The Administering Of Medical Aid To Benicio Vasquez On Scene**

Observing Vasquez fall to the ground injured, both TFO Reeder and TFO Pillai reported that they each independently radioed a request that an ambulance respond to the scene. TFO Moody indicated that, after first securing Vasquez's hands, he immediately started shouting for a "jump pack" or "med pack" (medical kit). Moody reported that TFO Kiely handed him a knife, with which he proceeded to cut the clothing off of Vasquez in an attempt to treat his wounds.

In response to calls for a medical bag, arriving HPD Officer Devanand Budhoo reported he ran the medical bag from his marked patrol cruiser to TFO Moody, whom he found providing medical aid to Vasquez in the driveway. Officer Budhoo joined in those lifesaving efforts along with other responding Hartford officers, including Officer Derek Farrell, applying gauze and pressure to Vasquez's wounds as Officer Joseph Walsh performed cardio pulmonary resuscitation (CPR). Officer Frederick Carter reported he attempted to clear and maintain Vasquez's airway, as well as assisting in administering CPR. The immediate efforts of these officers on scene to save Vasquez's life were captured on body-camera footage, as well as on cell phone video taken by civilian witnesses from the upper floors of 94-96 Enfield Street following the exchange of gunfire. See Sections V.I.4-5., *infra*. As the officers continued to administer medical aid to Vasquez, Hartford Fire Department and emergency medical personnel assigned to American Medical Response (AMR) ambulance #931 arrived and transitioned taking over Vasquez's care.<sup>21</sup>

#### **F. Law Enforcement Actions In The Immediate Aftermath**

While the TFOs and responding HPD officers were administering aid to Benicio Vasquez in the driveway of 98 Enfield Street, HPD records indicate that HPD patrol officers were actively engaged in the process of securing the scene for the purpose of preserving its evidentiary integrity. Toward that end, HPD officers reported they cordoned off the intersections with Enfield Street to the north and south to prevent vehicular traffic from entering or leaving the scene. Likewise, pedestrians were prevented from entering

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case prevents the firearm from returning to an operable state until the jam is cleared. This malfunction is dubbed a "stove pipe" due to the fact that the stuck cartridge case sticking straight up from the top of the gun bears a resemblance to an exhaust pipe on top of a wood stove.

<sup>21</sup> Benicio Vasquez's medical treatment, both on scene and at the hospital, is examined in detail in Section III., *infra*.

the scene, as responders sought to identify witnesses who were actually present on scene preceding the shooting. HPD officers identified a number of such witnesses who were preliminarily questioned, and whose information was later provided to WDMCS investigators for follow up interviews.

Within the perimeter established by HPD officers, the paramount focus following the exchange of gunfire was providing medical assistance to Vasquez, as well as assessing whether any of the involved law enforcement officers required medical attention. Review of the reports generated by those involved indicates that each of these actions, as well as several others of significance, were transpiring simultaneously in the immediate aftermath of the shooting.

## **1. Assessing law enforcement officers for injuries on scene**

### **a. SA Frederick Reeder**

SA Reeder indicated to FBI interviewers that, given his close proximity to Vasquez when Vasquez fired his gun, he "thought for sure [he] was hit." SA Reeder told interviewers that, upon standing, he found he had blood on both his hands and pants. After standing and re-holstering his gun, SA Reeder made his way down the driveway of 98 Enfield Street and walked north on the eastern sidewalk of Enfield Street, where his actions were captured by the surveillance video camera mounted on the building located at 102-104 Enfield Street. Consistent with what SA Reeder told FBI interviewers, at 9:23:11 a.m., SA Reeder can be observed on video in the aftermath of the shooting speaking on his cell phone. Shortly thereafter, at 9:23:55 a.m., SA Reeder is approached by TFO Reeder, who appears to physically examine the front of the external bullet proof vest worn by SA Reeder. That examination on scene revealed no penetrating or grazing wounds from gunfire. Nonetheless, as discussed hereafter, upon advice SA Reeder was subsequently examined at a hospital as a precautionary measure.

### **b. TFO Christopher Kiely**

Consistent with what TFO Moody reported regarding TFO Kiely's actions, TFO Kiely recounted in his own sworn, signed, written statement that he immediately assisted in providing medical aid to Benicio Vasquez. An FBI special agent<sup>22</sup> told FBI interviewers that, upon arriving on scene in the driveway, he asked out loud to the group of law enforcement officers on scene what happened. He further indicated that, in response, TFO Kiely stated he had fired his weapon. The special agent told interviewers that someone asked TFO Kiely if the subject shot at TFO Kiely. In response, TFO Kiely replied, "Oh yeah."

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<sup>22</sup> The identity of this FBI special agent, the driver of the Chevrolet Tahoe that collided with the white Jeep Gladiator operated by Benicio Vasquez, is not material to the ultimate determination regarding the use of deadly physical force. As such, in the interest of security, the undersigned has elected not to identify this individual by name herein.

In his sworn, signed, written statement, dated January 11, 2021, TFO Kiely indicated, in his own words, the following:

"I had intense ringing in the ears and a headache from the engagement. I was checked numerous times for any signs of bullet trauma to my body armor or person but none could be located. It was my and fellow members of my team[']s belief that I had been struck by some of the rounds the suspect fired at me because of the proximity in which the engagement occurred, however, none could be located in my body armor, my equipment or my person."

WDMCS investigators obtained a cell phone video, recorded by a civilian witness from an upper floor of 94-96 Enfield Street, which provided an unobstructed view of the driveway below, wherein investigators and first responders can be seen providing medical aid to Benicio Vasquez immediately after the shooting. See Section V.I.4, *infra*. In the video TFO Kiely, TFO Moody, and the aforementioned FBI special agent can be seen interacting. Although, given the distance, the audio portion of the video is not adequate enough to discern the words spoken, TFO Moody can clearly be observed approaching TFO Kiely in the presence of the FBI special agent and appears to ask him a question. TFO Kiely can be seen appearing to respond to TFO Moody in the affirmative, at which time he looks down at his vest and clothing. TFO Moody and TFO Kiely next can be viewed examining the latter's left leg, after which TFO Kiely removes his external bulletproof vest. Thereafter, TFO Moody can be observed on the video performing a head-to-toe style examination of TFO Kiely's person as the FBI special agent examines TFO Kiely's bulletproof vest.

Although TFO Kiely had no visible physical injuries, he reported suffering from a headache and a ringing in his ears. As such, Detective S. Suchecki of the HPD VIN Unit transported TFO Kiely to Hartford Hospital to be examined, arriving at approximately 9:38 a.m. TFO Kiely was treated and released later that morning. See Section V.D., *infra*.

On March 4, 2021, WDMCS Detective Richard G. Covello met with TFO Kiely to review several still photographs developed from the cell phone video. TFO Kiely was asked whether he recalled the interaction with TFO Moody and the FBI special agent in the driveway, to which he replied he did. TFO Kiely told the WDMCS investigator that he believed that TFO Moody asked him if he had shot his weapon and if he was "hit," questioning whether he was injured during the exchange of gunfire with Vasquez. TFO Kiely recalled responding to the effect of, "I think I'm good, if I'm hit anywhere it's in my left leg." TFO Kiely related that he recalled during the shooting that he felt as if something had struck or grazed his left leg, but wasn't certain exactly what it was. Following his response, TFO Moody and the FBI special agent assisted TFO Kiely in checking for injuries and inspecting his bulletproof vest for signs of bullet strikes. None were located.

Out of respect for the family of the deceased, and due to the graphic nature of the images depicted on the cell phone video, which include the administering of medical

assistance to Benicio Vasquez, neither the video nor the still photographs will be released in conjunction with this report.

## **2. Collection and preservation of Benicio Vasquez's firearm and items of personal property**

As noted, TFO Reeder reported that he picked up the gun that Benicio Vasquez purportedly fired at his pursuers as it lay in the driveway of 98 Enfield Street next to where Vasquez had fallen. See Section II.D., *supra*. Others on scene reported that TFO Reeder alerted those around him that he had possession of the gun. Thereafter, TFO Reeder reported he cleared the jam he observed when he picked the gun up, and "made the gun safe."

TFO Caron indicated that, upon arriving in the driveway, he was informed Vasquez had been shot and required medical attention. He also heard an investigator, whom he believed to be TFO Reeder, say he recovered Vasquez's firearm. TFO Caron reported that, as additional assisting officers and a medical bag arrived, he provided TFO Reeder with a brown paper bag to place the firearm in to preserve its evidentiary value.

Though he does not indicate who provided him the bag, TFO Reeder's report confirms that, after making the gun safe, he "placed the weapon, magazine and cartridge casing in a brown paper bag." TFO Reeder indicated that "a short while later," he handed the brown paper bag containing the firearm, magazine, and cartridge case to HPD Detective Benjamin Lee. A report authored by Detective Lee confirms he recovered a brown paper bag from TFO Reeder. Consistent with what both TFO Reeder and Detective Lee reported, at 9:23:50 a.m., the surveillance video camera mounted on the building located at 102-104 Enfield Street captures video of TFO Reeder in possession of a brown paper bag purportedly containing the firearm, magazine, and fired cartridge case seized from Benicio Vasquez. At 9:28:17 a.m., TFO Reeder can be seen still in possession of the brown paper bag as he and SA Reeder enter TFO Reeder's unmarked Ford F-150 pickup truck. At 9:29:25 a.m., TFO Reeder exits the pickup truck with the brown paper bag and walks with Detective Lee who, at 9:33:36 a.m., can be observed on video in possession of the bag.

Detective Lee reported that, after taking possession of the brown paper bag from TFO Reeder, he secured it in TFO Pillai's undercover vehicle in the vicinity of 103 Enfield Street. Consistent with his report, between 9:35:36 and 9:35:43 a.m., Detective Lee can be seen on the video placing the brown paper bag in the front driver compartment of TFO Pillai's gray Dodge Durango. See footnote 8, *supra*. TFO Lee reported the keys to the vehicle were transferred to an HPD patrol officer who stood watch over the vehicle until the arrival of WDMCS investigators.

TFO Moody reported that, as Benicio Vasquez lay in the driveway of 98 Enfield Street, he searched Vasquez's pockets and clothing for any additional weapons. In the course of doing so, TFO Moody relates he located a large sum of cash in Vasquez's front right pants pocket, along with a transit card and other personal items which he indicated

were possibly credit cards or business cards. Review of the cell phone video recorded from an upper floor of 94-96 Enfield Street confirms that, as TFO Moody was interacting with TFO Kiely and the FBI special agent in the driveway, he can be observed in possession of what appears to be a large sum of cash. TFO Moody reported the cash and other miscellaneous items were placed in a Hartford Police evidence bag and shortly thereafter secured in TFO Pillai's vehicle.

WDMCS investigators later indicated that, as they began to process the scene, they found TFO Pillai's Dodge Durango locked. WDMCS investigators reported that they later located and seized the brown paper bag from the front passenger floor board of the secured vehicle. Contained within the bag was a firearm, which WDMCS investigators identified as being a black and green colored 9mm pistol with clear magazine and a green laser sight, with "Rock Slide" on the slide and "PF940SC" on the lower frame, made by Polymer80 Inc., Dayton, Nevada. WDMCS investigators photographed, packaged, and processed it as evidence exhibit #21. See Appendix A. Also recovered from within the bag was one (1) 9mm case with "MAGIW" stamp, which WDMCS investigators photographed, packaged, and processed as evidence exhibit #22. See Appendix B. In addition, WDMCS investigators photo documented the processing of \$2,370 in cash which was retrieved, within an evidence bag, from the center console of the Dodge Durango and recorded as evidence exhibit #20, as well as one (1) Stop & Shop card, one (1) DTA card, and one (1) white colored lighter, all of which were photographed and packaged as Benicio Vasquez's "personal effects" as evidence exhibit #28.

### **3. Evacuation due to natural gas leak**

HPD Officer Derek Farrell reported that, as he was on scene in the driveway of 98 Enfield Street, he could detect an odor of natural gas in the air. He observed that the gas meter on the building at 98 Enfield Street had been struck by gunfire and was leaking gas. Officer Farrell notified Hartford Fire Department (HFD) personnel on scene of his discovery.

TFO Moody reported that, upon learning of the gas leak from HFD firefighters, he and uniformed HPD patrol officers took appropriate steps to notify and evacuate any occupants of neighboring buildings. Reports indicate HFD personnel on scene controlled the gas leak and a responding Connecticut Natural Gas employee was able to safely turn off the gas to the building with no interference to the medical rescue operation underway, or the subsequent investigation.

## **III. BENICIO VASQUEZ'S MEDICAL TREATMENT**

### **A. Emergency Medical Response**

Review of American Medical Response (AMR) records reflects that they received a call for an ambulance from the Hartford PD at 9:19:12 a.m., and dispatched an ambulance to 96 Enfield Street at 9:19:52 a.m., for a "GSW [gunshot wound] victim Priority 1." Within twenty-nine seconds of that dispatch, the responding ambulance, Unit

931, reported that it was enroute to the scene. Responding AMR crew members indicate they arrived on scene at 9:23:12 a.m., and were at the patient's side by 9:25:00 a.m.

Upon arrival the AMR Emergency Medical Technicians (EMTs) reported finding the patient laying supine, "halfway up the driveway," with HPD and Hartford Fire Department already on scene providing CPR and rescue breaths. Initial assessment of the patient revealed he had two visible gunshot wounds to the left upper medial chest, which the EMTs dressed. Records reflect CPR and rescue breaths were continued as the patient was stretchered "cautiously . . . down the slightly downhill driveway" to the ambulance. While assessing the patient in the ambulance prior to transport, another gunshot wound was located at the "left chest around the patient's rib cage." It was noted the wound was bleeding minimally and was well controlled with dressing.

Before Unit 931 departed the scene, AMR Medic 1 arrived on scene in Unit 901, which had also been dispatched. Records reflect that the medic joined the crew of Unit 931 in the ambulance, taking over from the EMTs as the primary care giver. At 9:32:05 a.m., transport to Saint Francis Hospital began. AMR crew members noted the ambulance arrived at the hospital within two minutes of departing the scene, and the patient's care was subsequently transferred to the hospital trauma team, which was awaiting their arrival.

### **B. Saint Francis Hospital and Medical Center**

In furtherance of the investigation, on February 10, 2021, WDMCS investigators obtained a search warrant for the medical records of Benicio Vasquez maintained by Saint Francis Hospital and Medical Center related to his treatment on January 6, 2021. The warrant was executed the day following its issuance, and copies of all such records in response were received by the WDMCS on February 16, 2021.

Review of the hospital records reflects that the patient arrived to the trauma bay at 9:36 in full trauma, unresponsive, with CPR in progress. Visual examination revealed: a penetrating wound in the right superior chest wall near the clavicle; two penetrating wounds to the left chest wall; two penetrating wounds to the left upper extremity, and; a penetrating wound to the left upper back, the right upper back, and left lower back. The patient was provided with two units of blood.

The records of the trauma team attending to Benicio Vasquez indicate that trauma surgeons performed an open thoracotomy, a surgery in which an incision is made to access the chest. A pericardotomy was next performed, a procedure in which an incision is made into the pericardium, the double-walled membrane sac that surrounds the heart. Trauma surgeons recorded that a visual examination of the heart demonstrated a "blow out of the posterior ventricle." In other words, surgeons observed a hole in the posterior wall of the heart which they determined was a non-survivable injury. The attending surgeon, Dr. Gary Kaml, Chief of Trauma Surgery, called the time of death at 9:45 a.m.

Review reflects no indication in the medical records that surgeons removed any projectiles, or fragments of projectiles, during their treatment of Vasquez. It is noted in the records that police investigators were bedside, and that the medical examiner would be taking the case.

#### IV. DESCRIPTION OF THE SCENE

WDMCS investigators reported that, upon arrival on Enfield Street, they discovered that the Hartford PD had secured the overall scene into what were described as "outer" and "inner" perimeters. The outer perimeter (alternately referred to as the "secondary scene") included that entire stretch of Enfield Street within which events surrounding Brandon Spence's arrest and Benicio Vasquez's attempted flight in the white Jeep Gladiator occurred. The inner perimeter (alternately referred to as the "primary scene") was limited to the driveway of 98 Enfield Street, which was identified as where the actual use of force incident occurred.

At approximately 12:00 p.m., arriving WDMCS investigators were given a briefing which provided an overview of what had occurred. Thereafter, at approximately 12:40 p.m., TFO Moody and TFO Pillai (both of whom, as previously indicated, are Hartford PD detectives who were present on scene at the time of the shooting) conducted a limited walkthrough with WDMCS investigators to aid in the recovery of evidence and to confirm the scene boundaries established were adequate. TFO Moody advised WDMCS investigators that the firearm and personal effects recovered from Benicio Vasquez were secured in TFO Pillai's task force vehicle, which he identified for them.

HPD Sergeant C. Clark, supervisor of the Hartford Police Traffic Division, reported that, in an effort to protect the integrity of the overall scene, access to Enfield Street, both from Capen Street to the north and Greenfield Street to the south, was restricted for both vehicular and pedestrian traffic. Within this perimeter, no civilian or law enforcement vehicles were permitted to be moved until after WDMCS investigators documented their original positions at the time of the use of force.<sup>23</sup>

Also within this perimeter, arriving WDMCS investigators found the bottom of the driveway at 98 Enfield Street cordoned off and secured by police tape, creating a second perimeter to prevent unnecessary entry into what was deemed the primary scene. At the entrance to the driveway Hartford PD initiated and maintained a crime scene log which documented the names, titles, and department of all persons entering and exiting the primary driveway scene, until relieved by State Police personnel.

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<sup>23</sup> Later, all task force vehicles were photographed and searched by WDMCS investigators prior to their release to task force members. See Section V.A.3., *infra*.



## V. INVESTIGATION

### A. Processing of the Primary and Secondary Scenes on Enfield Street

WDMCS investigators documented that processing of the scene on Enfield Street began at approximately 1:45 p.m., utilizing standardized techniques and protocols. It was noted that the temperature during processing was 35 degrees Fahrenheit, and the weather was observed to be clear.

#### 1. WDMCS video

Pursuant to protocol, commencing at approximately 2:02 p.m., WDMCS Detective Michael A. Downs video recorded the processing of the scene. The video footage depicts the scene and surrounding conditions as found by WDMCS investigators upon arrival. The video also documents the collection and preservation of evidence at the scene, concluding at approximately 9:59 p.m.

#### 2. WDMCS laser imaging

Prior to the collection of evidence, WDMCS investigators laser scanned the scene evidence and related environment utilizing a FARO Focus S150 3D laser scanner. The FARO Focus captures the entire scene by recording millions of (X, Y, Z) data points. Each point is measured by the reflection of laser light off objects in the laser's line of sight, as the scanner has a field of view of 300 degrees vertically and 360 degrees horizontally. The FARO Focus was placed in twelve locations to document the scene.

The three-dimensional coordinates obtained from the scans were merged by the FARO Scene software into a common coordinate system. Thereafter, a Scene2go deliverable was created. Scene2go is a project sharing solution that allows the scene to be viewed in a top down, panoramic, and 3D format from each scanning location.

Two detailed scene diagrams were created with the FARO Zone 3D software using the measurement data captured by the FARO Focus. The first is a scene diagram which captures both the primary and secondary scenes, showing the location of all involved vehicles on Enfield Street as they were found by WDMCS investigators, as well as the primary driveway scene at 98 Enfield Street. The second scene diagram is an enlargement of the primary driveway scene at 98 Enfield Street. The location of individual items of evidence within the primary driveway scene is documented. A key appended to the diagram provides directional measurements utilizing an AT&T utility pole (#4960) located at the base of the driveway as a reference point. The diagram key identifies nineteen (19) individual items of evidence located within the primary driveway scene. See Section V.A.4., *infra*, regarding the collection and cataloging of this evidence; see also Appendix C (scene diagrams and key).

### **3. WDMCS photographs**

Beginning at approximately 4:07 p.m., and concluding at approximately 9:57 p.m., WDMCS investigators digitally photographed the processing of the scene itself.

The primary scene at 98 Enfield Street was photographed by WDMCS investigators utilizing both overall and close-up views. After the scene was photo documented as found, numbered yellow evidence placards were placed next to all identified items having potential evidentiary value. The nineteen (19) individual items of evidence located within the primary driveway scene were next photographed with the evidence placards in place, thus providing a numerical identifier prior to seizure. Following their seizure, each item of evidence was then photographed against a neutral background inside the WDMCS mobile crime van with the accompanying numbered evidence placard and a ruler to document scale.

In processing the secondary scene in the roadway of Enfield Street, WDMCS investigators photo documented all involved vehicles in place, providing both overall and close-up views. In addition, photographs were taken of the interiors of all law enforcement vehicles. Impact damage identified on any vehicles was noted and photographed. See Appendix D (photographs of the white Jeep Gladiator). Overall scene photographs provided evidence which supported witnesses' statements regarding the path of travel of the white Jeep Gladiator. Two pieces of the Jeep's broken taillight lens were located adjacent to, and on the front left floorboard of, HPD Detective Lee's Dodge Ram pickup truck (recorded as evidence exhibits #24 and #25). Investigators also photographed the appearance of tire marks located on the sidewalk and dirt on the west side of Enfield Street adjacent to TFO Reeder's Ford F150 pickup truck. Photographs of the FBI Tahoe and white Jeep Gladiator where they came to rest show that the driver side airbags in each vehicle deployed, presumably upon impact.

After photographing the secondary scene as it appeared, WDMCS investigators then placed numbered yellow evidence placards next to all items of evidence to be seized and photographed them again with the placards in place. Corroborative of the witness Shameka Kelly's statement, investigators identified and photographed evidence exhibits #26 and #27 on the front windshield reservoir of the tan Infiniti M35X – to wit, one 375ml bottle of Hennessy Cognac and a clear plastic cup. See footnote 8, *supra*, and Section VII.B., *infra*. The brown paper bag containing the gun purported to belong to Benicio Vasquez, as well the cash and personal items retrieved from Vasquez's person, were photographed in place, as found, within TFO Pillai's Dodge Durango. Following their seizure, each item of evidence was then photographed again in the WDMCS mobile crime van per protocol.

### **4. Collection of evidence**

WDMCS Detective Robert Hazen was the investigator tasked with documenting the seizure of evidence at the scene. Review of the exhibit report reflects that, in total,

thirty-three (33) items of evidence were seized at the Enfield Street scene, including the nineteen (19) items seized from the driveway, identified as follows:

<u>Exhibit #</u>	<u>Item</u>
001	One (1) copper bullet fragment
002	One (1) copper bullet fragment
003	One (1) 9mm Luger Speer case
004	One (1) 9mm Luger Speer case
005	One (1) 9mm Luger Speer case
006	One (1) copper bullet fragment
007	One (1) black colored Under Armour head/face mask
008	One (1) copper jacketed projectile
009	One (1) pair of Cartier glasses
010	One (1) 9mm Luger Speer case
011	One (1) 9mm Luger Speer case
012	One (1) 9mm Luger FC case
013	One (1) 9mm Luger Speer case
014	One (1) copper jacketed bullet fragment
015	One (1) copper bullet fragment
016	One (1) black colored Lakers baseball cap
017	One (1) swab of BLS KM+
018	One (1) 40 cal. Winchester S&W case
019	One (1) 40 cal. Winchester S&W case

As noted, the location of each of these nineteen (19) individual items of evidence within the primary driveway scene is documented by the WDMCS investigators on a scene diagram with accompanying diagram key. See Section V.A.2., *supra*; see also Appendix C. In total, WDMCS investigators collected nine (9) fired cartridge cases within the primary driveway scene: two (2) 40 cal. cases, and seven (7) 9mm cases (one of which, evidence exhibit #12, was produced by a different manufacturer than the others).

In processing the secondary scene, WDMCS investigators seized the following evidence from the interior of TFO Pillai's Dodge Durango (see Section II.F.2., *supra*):

<u>Exhibit #</u>	<u>Item</u>
020	\$2,370.00 United States currency
021	One (1) black and green colored 9mm pistol with clear magazine and a green laser sight, with "Rock Slide" on the slide and "PF940SC" on the lower frame, made by Polymer80 Inc., Dayton, Nevada
022	One (1) 9mm case with "MAGIW" stamp
023	One (1) key chain with two (2) keys
028	One (1) Stop & Shop card, one (1) DTA card, and one (1) white colored lighter, all labeled "personal effects"

WDMCS investigators reported that, when the one (1) fired cartridge case recovered within the interior of TFO Pillai's Dodge Durango was added to the nine (9) fired cartridge cases recovered in the primary driveway scene, initial evidentiary indications on scene were that a total of ten (10) gunshots were fired during the incident under investigation.

### **B. HPD Internal Affairs Weapons Inspection - Hartford PD Detectives**

Shortly after the shooting, members of the Hartford Police Department Internal Affairs Division (IAD) arrived on scene, including Lieutenant William Rea, Sergeant Reginald Early, Sergeant Daniel Richter, and Sergeant Leslie Suarez. Immediately upon arrival the IAD personnel met with each of the seven HPD detectives on scene for the purpose of physically examining the department issued service weapons belonging to each of them. Following examination of the weapons of Detectives Jeffrey Moody, Michael Caron, Benjamin Lee, Greg Corvino, Christopher Reeder, Mark Rostkowski, and Abhilash Pillai, it was determined that all of their ammunition was present and accounted for. Each of the HPD detectives whose weapons were inspected confirmed to IAD personnel that they had not discharged their weapons.

### **C. Processing of Evidence at Saint Francis Hospital**

Due to the nature of the incident, HPD officers were dispatched to accompany Benicio Vasquez's ambulance to Saint Francis Hospital for the purpose, in part, of maintaining the integrity of any and all potential evidence. During this time, the identity of Benicio Vasquez was tentatively established via credit cards located on his person and through a booking photograph on file.<sup>24</sup> HPD Sergeant Steve Kessler, the supervisor at that location, tasked HPD Officer Clide Patino to collect and secure all items of evidentiary value as medical personnel attempted life saving measures on Vasquez. Also present for the securing of this evidence was Inspector John Betz of the Hartford State's Attorney's Office. Upon the pronouncement of Vasquez's death by medical personnel at 9:45 a.m., Officer Patino was directed, in accordance with statutory mandates, to secure the trauma room, the body of the deceased, and anything of evidentiary value until the arrival of State Police investigators.

State Police Central District Major Crime Squad (CDMCS) Detectives Christopher Scott and Michael Hamel arrived at Saint Francis hospital at approximately 11:23 a.m., whereupon they were briefed by Inspector Betz. CDMCS investigators were advised that the body of Benicio Vasquez was inside Trauma Room N-3, which had been cleared of hospital personnel and locked pending their arrival. Also present and stationed outside the locked door was an FBI special agent, HPD Officer Patino, and HPD Sergeant Kessler. Hospital staff advised that they removed any and all clothing and property from the deceased and placed all items in brown paper bags that were located in the secured

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<sup>24</sup> HPD Detective Robert Fogg documented that he responded to Saint Francis Hospital, where he observed the ambulance arrive. As the AMR ambulance personnel wheeled the injured party into the hospital, Detective Fogg observed him and recognized him to be Benicio Vasquez.

room. Inspector Betz informed the CDMCS investigators that Saint Francis physicians did not recover any projectiles, or fragments of projectiles, during the treatment of Vasquez.

At approximately 11:47 a.m., the CDMCS investigators and FBI special agent entered the room for the purpose of examining and photographing the body of Benicio Vasquez, as well as photographing and seizing any items of evidentiary value. Investigators took a series of photographs, documenting the condition of Vasquez's body, as well as his clothing and any personal effects. Of note, consistent with the sworn statement of the civilian witness Hector Rosado, CDMCS investigators photo documented that Benicio Vasquez's clothing recovered at the hospital included a hooded sweatshirt with pockets in the front, which the witness described as a "kangaroo pouch." Following photographing, all evidentiary items were appropriately packaged, and the body of Benicio Vasquez was released by investigators to personnel from the Office of the Chief Medical Examiner. Thereafter, CDMCS investigators transported the seized evidence to Enfield Street, where the custody and control of the items was turned over to WDMCS investigators.

#### **D. TFO Christopher Kiely's Firearm and Tactical Vest**

As noted, following the shooting, Detective S. Suchecki of the HPD VIN Unit transported TFO Kiely to Hartford Hospital to be examined, arriving at approximately 9:39 a.m. Prior to entering the hospital, Detective Suchecki reports he secured TFO Kiely's tactical vest and firearm in the detective's locked vehicle. The detective and TFO Kiely were joined at the hospital by Inspector Claudette Kosinski of the Hartford State's Attorney's Office at approximately 9:54 a.m.

Detective Suchecki indicates TFO Kiely was seen by attending physicians at the hospital and then discharged at approximately 10:35 a.m., whereupon Detective Suchecki transported him, his firearm, and his tactical vest to the Hartford PD VIN Unit office. TFO Kiely's firearm and tactical vest were secured at the Hartford PD pending custodial transfer to WDMCS investigators. TFO Kiely remained at the office awaiting the arrival of WDMCS investigators.

Following photo documentation of TFO Kiely wearing his clothes and equipment as he appeared earlier that day (*see* Section V.E., *infra*), WDMCS Detective Jaime J. Pearston seized TFO Kiely's clothing and equipment, including his external carrier (tactical) vest and its contents (evidence exhibit #42), *see* Appendix E, as well as his department issued firearm (evidence exhibit #43). Specifically, evidence exhibit #42 was identified as "One (1) black colored Condor external carrier vest (LG/XLG) cont[aining]: One (1) MACOM portable radio; three (3) Glock 40 cal. mags containing fifteen (15) 40 cal. WIN S&W rounds, (14) 40 cal. WIN S&W rounds, (15) 40 cal. WIN S&W rounds; and one green holster." Evidence exhibit #43 was identified as "One (1) black colored Glock 40 cal. pistol ... w/ Streamlight TLR-7 rail light."

## **E. Photo Documentation of All Involved Law Enforcement Officers**

At approximately 12:30 p.m., WDMCS Detective Pearston responded to Hartford Hospital for the purpose of photo documenting SA Reeder, who was there being treated. Although examination revealed no penetrating wounds from gunfire, given the stressful nature of the interaction, as well as the discharge of weapons in close proximity without eye or ear protection, SA Reeder indicates he was advised by an FBI superior to seek precautionary medical attention at Hartford Hospital, which he did. SA Reeder was accompanied by his brother, TFO Reeder, and two FBI special agents. With SA Reeder's voluntary consent, Detective Pearston took a series of photographs which included, *inter alia*: overall front, back, and side views of SA Reeder reflecting the clothing he was wearing that morning; close-ups of the palms and backs of his hands; the front and back of his external carrier tactical vest, as well as its contents, see Appendix F; the lanyard worn around his neck; and close-up views of a brownish red stain on his upper left pant leg.<sup>25</sup>

After photographing SA Reeder at the hospital, Detective Pearston met Inspector Kosinski at a Hartford PD facility for the purpose of identifying and photo documenting all other law enforcement personnel who were present on Enfield Street that morning at the time of the incident. With Inspector Kosinski's assistance, Detective Pearston photographed these individuals in the clothing they were wearing that morning, and photographed all their equipment, including firearms as well. In addition, the palms and backs of the hands of any individuals that had contact with Benicio Vasquez in the driveway were also photographed.

## **F. Examination of Evidence in the Custody and Control of the FBI**

SA Reeder told FBI interviewers that when he and his brother, TFO Reeder, departed the scene on January 6, 2021, they first retrieved SA Reeder's FBI vehicle. HPD Detective Mark Rostkowski reported that he transported the Reeders for that purpose. Thereafter, TFO Reeder drove SA Reeder in his FBI vehicle to the Hartford Police Department, where SA Reeder met with the FBI Chief Division Counsel for the purpose of an in-scope briefing at approximately 10:30 a.m. SA Reeder told FBI interviewers that, at some point, a supervisor advised that SA Reeder get examined at Hartford Hospital.

The FBI's Principle Firearms Instructor (PFI), told an FBI interviewer that, at approximately 11:30 a.m. (prior to SA Reeder's departure for the hospital) he collected SA Reeder's FBI-issued Glock Model 19M 9mm service pistol from him at the Hartford PD. The PFI reported that, upon rendering the weapon safe, he observed one round in the chamber and seven rounds in the magazine. The PFI noted all of the rounds were FBI service ammunition, G2 Speer 9mm rounds. Thereafter, the pistol, magazine, and unfired rounds were all transported to New Haven in the custody and control of the FBI.

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<sup>25</sup> It bears noting that Detective Pearston was unable to photograph SA Reeder's firearm at that time because, having already been collected earlier by FBI personnel, the firearm was no longer in SA Reeder's possession when he was being treated at the hospital. See Section V.F., *infra*.

Later that day, while he was waiting at the hospital to be seen, SA Reeder reports he observed minor damage to the exterior sole on the outside of his left boot, which he believes was possibly caused by the round Vasquez fired at him coming into contact with his boot. The FBI Evidence Response Team collected SA Reeder's boot from him, as well as other clothing, at approximately 6:00 p.m. that evening. These items were all transported to New Haven in the custody and control of the FBI.

On January 13, 2021, WDMCS Detective Downs was provided access to the evidence in the custody and control of the FBI in New Haven for purposes of photo documentation. Detective Downs took a series of photographs of the evidence, including, *inter alia*: SA Reeder's Glock Model 19M 9mm handgun, with magazine and chambered cartridge; bullets removed from the Glock magazine; the clothing worn by SA Reeder on the morning of the shooting, including his black leather boots; the ballistic vest carrier SA Reeder wore; and the contents of the ballistic vest. Of particular note, Detective Downs documented: a bloodlike substance on the top of the slide on the Glock handgun; a bloodlike stain on the left thigh of the jeans worn by SA Reeder; and a defect in the outer sole of the left black leather boot worn by SA Reeder.

#### **G. Processing of the White 2020 Jeep Gladiator**

In processing the secondary scene, WDMCS investigators documented and seized the vehicle within which Benicio Vasquez had attempted to flee from law enforcement. The vehicle, documented as a 2020 Jeep Gladiator Sport, color white, bearing New York marker plates HZL3563, and having vehicle identification number 1C6HJTAG7LL160240, was identified by investigators as evidence exhibit #32. The vehicle was towed from the scene to the Connecticut State Police Troop L garage in Litchfield, where it remained locked and cordoned off by police tape, pending application for a search warrant to examine its interior. During the course of the investigation, it was determined that the vehicle was a rental registered to Avis/Budget Group.<sup>26</sup>

On January 27, 2021, a search warrant was issued for the vehicle. On February 3, 2021, pursuant to the warrant, WDMCS investigators processed the vehicle for physical and trace evidence related to the investigation. The vehicle was accessed utilizing a key obtained from the scene on Enfield Street.

Upon exterior inspection, WDMCS investigators noted that the passenger side front wheel was canted inward, most likely due to a broken suspension and/or steering linkage parts, corroborating witnesses' statements that the vehicle was no longer operable following its collision with the utility pole. Damage was noted to both the front

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<sup>26</sup> On January 20, 2021, WDMCS investigators spoke with the daughter of the individual who rented the vehicle. The daughter told investigators she dates Brandon Spence, and that on the morning of the shooting she took her father's rental and drove Spence to Enfield Street. She further indicated that, once on Enfield Street she parked the car on the street, then later got a ride back home from a friend. The daughter told investigators she left her father's rented Jeep on Enfield Street because Spence and his friends were using it to listen to music. She planned on returning later to get the Jeep, but was not present on Enfield Street when any of the events surrounding the use of force occurred.



and rear fenders. The red/white lens on the driver side taillight was broken, consistent with the two pieces of broken taillight lens located adjacent to, and on the front left floorboard of, HPD Detective Lee's Dodge Ram pickup truck (recorded as evidence exhibits #24 and #25). All four passenger compartment windows were observed to be tinted, as was the rear window. The driver side airbag, which had deployed, was removed for possible identification purposes and seized as evidence exhibit #75.

Within the vehicle, WDMCS investigators located a closed folding knife with an approximate three inch blade on the passenger side floorboard adjacent to a knotted plastic baggie containing eighty-seven (87) small glassine envelopes containing suspected heroin/fentanyl (seized as evidence exhibit #73). The envelopes bore the stamps "Happy Hour" and "Death Angel" and weighed approximately 19.7 grams in total. Also located within the baggie was another knotted baggie containing suspected crack cocaine (seized as evidence exhibit #76). The weight of the suspected crack cocaine, with baggie, was approximately 7.5 grams.

A small plastic jar containing a brown plantlike substance was observed on the dashboard next to a package of cigarette rolling papers. A folded rolling paper containing the same plantlike substance was also found on the dashboard. The jar with contents and cigarette paper with contents were seized together as evidence exhibit #72 and weighed a total of 8.4 grams.

#### **H. Processing of the Tan 2007 Infiniti M35**

As noted, HPD Detective Corvino reported witnessing Brandon Spence perform an action which he believed, based upon his training and experience, to be consistent with discarding a weapon or contraband into the tan Infiniti operated by Shameka Kelly. See footnote 8, *supra*. WDMCS investigators processing the scene seized that vehicle, which they identified as evidence exhibit #33, after it was determined that the vehicle was unregistered, uninsured, and being operated with marker plates that were not assigned to it. The vehicle was described as a 2007 Infiniti M35X, color tan, bearing Connecticut marker plates AV86934 (identified as a misuse), and having vehicle identification number JNKAY01F77M453291. The vehicle was towed from the scene to the Connecticut State Police Troop L garage in Litchfield where it was later photographed and examined pursuant to an inventory search.

The inventory search of the passenger compartment of the vehicle led to the discovery of a package of cigarette rolling papers and a plastic baggie containing a green plantlike substance which investigators determined to be consistent in smell, appearance, and packaging with marijuana. The plantlike substance weighed 5.6 grams with packaging. This discovery was consistent with what the driver told HPD Detective Covino on scene, then later reiterated to WDMCS investigators. Namely that, prior to the arrival of officers on Enfield Street, Spence had given her a small amount of "weed" (marijuana) that he wanted her to roll into a marijuana cigarette for them to smoke.

## I. Available Video and Audio Evidence

Despite conducting an extensive neighborhood canvass, as well as interviewing all identified civilian witnesses, WDMCS investigators were unable to secure any video footage which captured the actual use of force which occurred in the driveway of 98 Enfield Street.<sup>27</sup> Nonetheless, the following available video evidence, which documented events occurring on Enfield Street both before and after the use of force incident itself, proved invaluable in corroborating the recollections of eyewitnesses on scene that morning.

### 1. Hartford PD body-worn cameras

In addition to examining the weapons of HPD detectives on scene, HPD IAD personnel also took the lead that morning in immediately securing all available video evidence from each of the HPD officers on Enfield Street as part of the arrest operation. Toward that end, IAD Lieutenant Rea secured the body-worn cameras of HPD Officers Christopher Larson, Brian Hermann, Brittany Wasilewski, and Joseph Walsh. The identified video related to the incident on Enfield Street was later downloaded and preserved before the body-worn cameras were returned to the officers. Review of these videos confirms that none of these body-worn cameras captured the actual use of force incident.

WDMCS investigators later expanded the inquiry, with the assistance of the HPD, to obtain video evidence from the body-worn cameras of all HPD officers that responded to the scene in the aftermath of the shooting. WDMCS investigators' review of hours of footage obtained from these twenty-six (26) additional HPD body-worn cameras yielded nothing of significance related to the use of force incident itself. Nonetheless, these videos provided insight into the extensive efforts of those on scene to treat Benicio Vasquez's wounds in an attempt to save his life in the aftermath of the shooting. Due to the graphic nature of the images depicted, the body-worn camera footage will not be released in conjunction with this report.

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<sup>27</sup> Initial indications in the days immediately following the use of force incident were that a civilian cell phone video existed which captured the entire use of force incident. This belief was based upon a telephone call which was initially received by a 311 Operator for the City of Hartford shortly after the shooting. The caller identified herself as Tatianna Vasquez and claimed to be the sister of Benicio Vasquez. The caller further claimed she had a cell phone video of the entire incident and was going to release it to the news. The caller requested to speak with the Mayor, but hung up on a City employee before providing all of her contact information. Beginning on the afternoon of the shooting, WDMCS investigators took steps to identify and track the caller. As part of their investigation, WDMCS investigators enlisted the assistance of Hartford Mayor Luke Bronin in an attempt to obtain the referenced video, as persons claiming to have a video of the entire incident insisted they did not trust law enforcement and would only surrender the video to the Mayor. WDMCS investigation ultimately determined that no such video capturing the actual use of force existed. Rather, it was discovered that the persons WDMCS were dealing with were not in personal possession of *any* video, and instead were providing inaccurate second-hand information regarding the contents of a cell phone video recorded by a resident of Enfield Street in the aftermath of the shooting. WDMCS investigators were already aware of the existence of said video. See Sections V.I.4-5, *infra*.

## **2. Building surveillance camera at 102-104 Enfield Street**

As noted in footnote 6, *supra*, following a canvass of the neighborhood, WDMCS investigators were able to identify a security surveillance camera which was affixed to the building located at 102-104 Enfield Street. Investigators were subsequently able to secure the surveillance video from that camera which encompassed the morning of January 6, 2021. Of particular importance to the overall investigation, this surveillance camera was well situated to capture activities occurring on the portion of Enfield Street where Brandon Spence, Samuel Colbert, and Benicio Vasquez were congregating as task force members first arrived on scene. See Section II.B., *supra*. As indicated previously, this video documents the initial stage of Vasquez's attempted flight in the Jeep Gladiator. See Section II.C., *supra*. It also captures police activities on the street following the use of force, including the physical examination of SA Reeder for injuries in the aftermath. See Section II.F.1.a., *supra*. A copy of the surveillance video will be released in conjunction with this report.

## **3. Hector Rosado's cell phone video**

On January 28, 2021, WDMCS investigators obtained a video from the cell phone of the witness Hector Rosado. The recording, two minutes and forty-six seconds (02:46) in length, was purportedly live-streamed by Rosado on Facebook the morning of the incident. The video is entitled, "He should never had ran." Review of the video reflects that Rosado appears to have initiated the recording after hearing the gunshots which he described in his earlier interview with investigators. The significance of this video is that it confirms that Rosado was physically in a position to observe the events which he described to WDMCS investigators in his January 11, 2021 interview, as detailed in Section II.D., *supra*.

Based upon the camera's initial view, which depicts vehicles whose locations on the morning of the incident were firmly established by investigators, WDMCS investigators determined the video appears to begin in an area located near the front of 110 Enfield Street. The video, which is shot generally in a southerly direction down Enfield Street, pans the scene as Rosado begins to walk south on Enfield Street on the western sidewalk. Rosado narrates, in what WDMCS investigators describe as an excited tone, stating "Shots fired . . . Somebody in Hartford just got shot by the cops." Rosado also can be heard stating "That white Jeep – holy shit – they fired like nine shots bro." Rosado records on video his entire walk down the street to the vicinity of the driveway of 98 Enfield Street, where police personnel can be seen rendering medical aid to Benicio Vasquez. As Rosado walks toward the driveway, he is directed by police personnel to leave the area. The video continues as Rosado walks north up the western sidewalk back to his own vehicle, at which time the video ends. A copy of Hector Rosado's cell phone video will be released in conjunction with this report.

#### **4. Jean Paul Dupervaul's cell phone video**

During the course of the investigation, WDMCS Detective Edmund Vayan identified and interviewed Jean Paul Dupervaul, a resident of Enfield Street. Dupervaul provided investigators with a cell phone video that he recorded from an upper floor of 94-96 Enfield Street, which provided an unobstructed view of the driveway below where events unfolded. Though the video begins after the use of force, in the video footage investigators and first responders can be seen providing medical aid to Benicio Vasquez immediately after the shooting. Of particular relevance to this investigation, this video footage captures the interactions of TFO Kiely, TFO Moody, and an FBI special agent in the driveway of 98 Enfield Street in the immediate aftermath of the shooting. See Section II.F.1.b., *supra*. Due to the graphic nature of the images depicted, the cell phone video will not be released in conjunction with this report.

#### **5. Cell phone video provided by Theodore Tobias**

On January 21, 2021, Inspector Scott Stevenson of the NHSAO spoke with an individual who contacted the NHSAO to advise he had obtained a cellphone video of the shooting on Enfield Street. This individual, identifying himself as Theodore Tobias, stated he did not personally record the video footage, but refused to disclose the name of the person who had. Following discussion, Tobias e-mailed the video footage to Inspector Stevenson. Thereafter, Inspector Stevenson provided the video footage to WDMCS investigators, who cataloged the CD containing the video as evidence exhibit #61.

The grainy video footage is twenty-seven (27) seconds in length and, based upon its vantage point when compared with crime scene photographs, appears to be recorded from a first floor window of 94-96 Enfield Street. The video footage does not capture the use of force itself, or any events preceding it. The video begins in the aftermath of the shooting and shows Benicio Vasquez laying on his back in the driveway with his hands above his head, as law enforcement personnel appear to search his body then begin to administer medical assistance. Due to the graphic nature of the images depicted, the cellphone video will not be released in conjunction with this report.

#### **6. Hartford PD ShotSpotter audio**

The firing of a gun or an explosive device creates a loud, impulsive sound that, under optimum environmental conditions, can be detected above urban background noise up to two miles away from the location of the firing incident. ShotSpotter, Inc., is a private company which provides its customers with acoustic sensors which are deployed at specified intervals within a geographic area. Each sensor is triggered by impulsive sounds in its environment, and technology employed by ShotSpotter permits it to classify particular impulsive sounds as gunfire, thus allowing the source of that gunfire to be quickly geographically located by analysts monitoring the system. The acoustic measurements of these impulsive sounds and the exact time that they were detected is recorded. The ShotSpotter system has been deployed in the City of Hartford since 2011, with coverage provided by over one hundred sensors.

At approximately 4:02 p.m. on January 6, 2021, WDMCS investigators went to the Hartford PD Capital City Command Center for the purpose of meeting with a crime analyst to secure any and all ShotSpotter evidence related to the event. Analysts confirmed the ShotSpotter system did in fact capture gunfire related to the incident and provided WDMCS investigators with a DVD-R that contained an audio file and a prepared ShotSpotter report. The DVD-R was seized and transported to the WDMCS mobile crime van on scene, where it was catalogued as evidence exhibit #30.

Review of a ShotSpotter Detailed Forensic Report, dated January 6, 2021, prepared by Paul C. Greene, Senior Forensic Services Engineer at ShotSpotter, Inc., reflects that at 09:17:36 a.m. on January 6, 2021, ShotSpotter detected a multiple gunshot incident in Hartford, Connecticut. ShotSpotter recorded the event as Incident # 370176 and geographically pinpointed the source of gunfire as 98 Enfield Street. The discharge times and intervals between the ten (10) registered gunshots fired was recorded by ShotSpotter as follows:

Shot #	Discharge Time	Interval
1	09:17:36.740	---
2	09:17:36.899	00:00:00.158
3	09:17:37.083	00:00:00.184
4	09:17:37.308	00:00:00.224
5	09:17:37.484	00:00:00.176
6	09:17:37.567	00:00:00.083
7	09:17:37.797	00:00:00.230
8	09:17:37.863	00:00:00.066
9	09:17:38.134	00:00:00.271
10	09:17:38.526	00:00:00.392

Thus, review of the ShotSpotter recorded data reveals that ten (10) shots were fired during the incident, and that all shots were discharged in a span of less than 1.8 seconds.

In the course of reviewing the ShotSpotter audio recording, WDMCS investigators determined that a male voice could be heard yelling just prior to the eruption of gunfire. Investigators indicated that the male voice could be heard stating, "*Drop your fucking gun!*" or "*Drop the fucking gun!*" However, due to the quality of the audio, the reviewing investigator could not definitively determine which of these statements was more accurate with relation to the actual words used, and it was determined that amplification and enhancement of the recording might aid the investigation.

On May 20, 2021, the undersigned requested that NHSAO Inspectors submit a DVD containing an MP3 audio file of the Hartford PD ShotSpotter recording to the Connecticut Division of Scientific Services Forensic Laboratory ("forensic lab") for the purpose of enhancing the unidentified voice heard on the recording.

On May 25, 2021, the forensic lab notified the NHSAO that its examination and enhancement of the audio recording was complete. A report generated by the forensic lab's Multimedia and Image Enhancement Unit, dated May 24, 2021, indicates that forensic science examiners were able to increase the volume in the area of interest on the MP3 audio file and then apply a noise reduction filter in the area of interest using audio processing software. The adjusted file was then exported and preserved, and the speed decreased, again utilizing audio processing software. Having reviewed both the original and enhanced versions of the ShotSpotter audio, the undersigned concurs with the conclusion reached by WDMCS investigators that immediately preceding any gunfire, a loud voice can be heard shouting instructions consistent with TFO Kiely's assertion that he ordered Vasquez to "Drop the gun!" A copy of the ShotSpotter audio recording will be released in conjunction with this report.

## **VI. INTERVIEWS OF DECEDENT'S MOTHER (SONIA THOMAS)**

In an effort to gain insight into the decedent's state of mind, WDMCS investigators spoke extensively with Sonia Thomas, the mother of Benicio Vasquez, who provided valuable background information about her son and the firearm in his possession at the time of the incident.

In the early evening of January 6, 2021, WDMCS Sgt. Alain Bisson, Detective Covello, and an FBI special agent arranged to meet with the family of Benicio Vasquez. Detective Covello indicated that they were introduced to the decedent's sister, identified as Natanya Vasquez. Additional family members were physically present for the meeting, while others, including Benicio Vasquez's mother, Sonia Thomas, were included in the conversation by way of a cellular telephone speaker. Natanya Vasquez positively identified the decedent, Benicio Vasquez, through a photograph presented by WDMCS investigators. Detective Covello further reported that Natanya Vasquez indicated that, to her knowledge, her brother had no mental health history. She did, however, relate that her brother seemed depressed because his ex-wife and seven-year-old son had recently moved to Florida.<sup>28</sup> During the meeting, Sonia Thomas requested to speak on the phone with Detective Covello, at which time she asked that he come to her residence to further discuss matters.

Detective Covello reported that, after concluding with the other family members, he, Sgt. Bisson, and the FBI special agent went to the home of Sonia Thomas to meet privately with her. The investigator indicated that, upon meeting, Vasquez's mother appeared upset and communicated disappointment in her son's behavior, relating that she knew it would only be a matter of time before something like this would occur.

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<sup>28</sup> WDMCS Det. Richard Covello reported that, on January 13, 2021, he spoke by telephone with Benicio Vasquez's ex-wife, Joselyn Munoz, who shared a similar sentiment regarding Vasquez's mental health. Munoz related to Det. Covello that they had a FaceTime call around Christmas so he could see and speak with his son. She believed the last time she had spoken with Vasquez was two days before the shooting incident, at which time she thought Vasquez might be "depressed." Munoz told the investigator that Vasquez shared with her that he felt he was going back to jail soon and they talked about how they would mutually handle the situation.

Thomas stated that her son had always been “street,” and that he had been involved in two other shootings wherein he had been shot and wounded, and claimed that she “knew it would end this way.” She further indicated that her son did not have a permanent address, had been staying at various motels, and she had been told by a family member that her son had been seen with a number of guns in his last motel room. In furtherance of the investigation, Sonia Thomas provided a sworn, written, and signed statement to WDMCS investigators which provided the following in relevant part:

“My son is Benicio Vasquez and I last saw him a few weeks ago on Christmas Day. He showed me a gun that he had purchased recently [in Hartford]. I[t] looked to me like it [was] a 45 caliber handgun. The gun and the clip were see through, you could see the bullets in the gun, and it had a laser beam on the front. He liked guns, he didn’t like to fight, he’d rather carry a gun. . . . My son was selling drugs, I think weed and fentanyl. But that’s not why he had a gun, he just liked guns. . . . I want to help, these guns need to get off the streets.”

On March 1, 2021, WDMCS investigators again met with Sonia Thomas for the purpose of showing her a photograph of the gun and magazine that were seized from Benicio Vasquez in the driveway of 98 Enfield Street on January 6, 2021 (evidence exhibit #21). Investigators documented that, upon being shown the photograph, she immediately identified the gun as belonging to her son. After viewing the photograph, Sonia Thomas executed a sworn, signed, written statement which provided, in relevant part:

“[WDMCS] Sgt. Bisson and Detective Covello showed me a picture of a handgun. The gun pictured had a see through magazine and a laser on the end of the barrel. The gun depicted was the same gun that my son, Benicio Vasquez, had in his possession and which he showed me on Christmas Day, in December of 2020. I had previously agreed to meet with these investigators from the State Police for purposes of my deceased son’s investigation. I dated and placed my initials on the picture of the handgun that these investigators showed me.”

## **VII. CIVILIAN WITNESS INTERVIEWS**

As indicated, in the course of their exhaustive investigation, a great deal of time and effort was expended by WDMCS investigators in attempting to track down and secure any available video evidence of the actual use of force incident itself. See footnote 27, *supra*. No such video was ever uncovered, nor were WDMCS investigators able to identify any civilian eyewitness to the actual shooting which occurred within the driveway of 98 Enfield Street.

The civilian witness Hector Rosado provided WDMCS investigators with significant information relating to the events which occurred on Enfield Street prior to Benicio Vasquez leading pursuing law enforcement officers up the driveway of 98 Enfield Street and out of the witness’s line of sight. See Section II.D., *supra*. Other witnesses

interviewed by investigators provided statements that corroborated information which investigators gleaned from alternate sources of evidence. Among those interviewed were two of the individuals that interacted with Benicio Vasquez on Enfield Street in the moments before law enforcement officers arrived on scene – Brandon Spence and Shameka Kelly.

### **A. Brandon Spence**

On January 8, 2021, Brandon Spence was interviewed by WDMCS investigators while in custody at the Hartford Correctional Center (HCC). Spence explained to investigators that, on the morning of January 6, 2021, he and Benny (Benicio Vasquez) were on Enfield Street hanging out and drinking liquor. Spence related there were some girls and other people present. When he saw cars that he thought were police, Spence said he began to walk away. He indicated that police jumped out, went right to him, and started to handcuff him. Spence told investigators that, simultaneously, he saw Benny go to the white Jeep, stating he knew Benny was trying to get out of there. Spence claimed he could not see what was occurring because the officer arresting him turned his head the other way, but he said he knew Benny “hit other cars and stuff” because he heard the crashes. Spence told investigators he did not witness the actual use of force incident itself, but he heard the gunshots. Spence indicated he did not know what happened, as he was quickly escorted to a police car and transported to federal court. He learned later, while at HCC, that Vasquez had died. Spence claimed he didn’t know if Benny had a gun, but explained nobody wants to get caught with a gun when the cops show up.

### **B. Shameka Kelly**

Shameka Kelly, driver of the tan Infiniti on Enfield Street on the morning of the incident, was interviewed by FBI special agents at the Hartford Police Department station at 253 High Street, Hartford, on January 6, 2021. Kelly stated that she had been driving on Enfield Street that morning and stopped to talk to an individual she knew as “Spun” (subsequently identified by investigators as Brandon Spence). Kelly indicated that Spun, who was wearing a red jacket, was talking with someone she did not previously know, but who introduced himself as Benny (subsequently identified by investigators as Benicio Vasquez). She believed the third person with Spun and Benny was named Sammy (subsequently identified by investigators as Samuel Colbert).

Kelly indicated to the special agents that she remained in her car and was talking to the group through her open car window. Kelly told the special agents that, prior to the arrival of officers on Enfield Street, Spun had given her a small amount of weed (marijuana) that he wanted her to roll into a joint (marijuana cigarette) for them to smoke. Kelly expressed that she was concerned when officers converged on her car due to the marijuana, and because Spun and Benny left the bottle of “Hennessy” liquor they had been drinking on the hood of her car. Kelly informed the agents that, as officers approached the group on Enfield Street, Spun dropped something inside her car through



the open driver's door window. Later, an officer moved her seat and found what Spun had dropped, though she claimed not to know what it was. See footnote 8, *supra*.

Kelly told the special agents she was still in her car when she heard gunshots. Spun and Sammy were both near her car at that time. She did not know where Benny was at that point. She told the agents she recalled hearing approximately four (4) shots in close sequence. Kelly indicated she did not see the shooting and did not know if anybody had been shot. She also reported hearing a loud sound like a car crash, which she believed involved the white car in front of her and a police car, but she did not see the crash.

On January 11, 2021, WDMCS investigators met with Shameka Kelly to conduct their own follow-up interview. Kelly told investigators she had already spoken with "a lady from the FBI" about what happened. Thereafter, Kelly told WDMCS investigators a version of events that was consistent with what FBI special agents had previously documented, but with some additional details. Kelly related that, when police pulled up to her car on Enfield Street, Spun put crack/drugs inside her car window. When police surrounded the car, they "snatched up" Spun, who was on the driver's side of the car. Benny was in front of her car and ran and jumped into a white Jeep. Kelly stated Benny drove in reverse and struck a car, then drove forward and hit a telephone pole. Kelly did not see Benny get out of the Jeep, indicating it "happened so fast it was in the blink of an eye." She stated she heard "pow, pow, pow, pow."

Kelly stated she did not initially know who was shot. She indicated that Benny was drunk at the time of the incident, and she knew he had a gun. Kelly claimed that she didn't know at the time if he was shooting at officers to get away.

### **VIII. BENICIO VASQUEZ'S AUTOPSY REPORT**

Dr. Michael Hays, an Associate Medical Examiner in the Office of the Chief Medical Examiner (OCME), performed an autopsy on the body of Benicio Vasquez on January 7, 2021, at approximately 11:03 a.m. In attendance were WDMCS Detective Matthew J. Reilly and an FBI special agent. Detective Reilly photo documented the autopsy. Dr. Hays certified the cause of death as gunshot wounds of the neck, head, torso, and extremity. The manner of death was certified as homicide. The decedent was positively identified as Benicio Vasquez through fingerprints taken at autopsy and electronically transmitted to the State Police Bureau of Identification in Middletown. The OCME indicated a final report of the autopsy would be generated upon receipt of the results of outstanding toxicology tests.

At the conclusion of the autopsy, Detective Reilly took possession of four (4) expended bullets that were removed by Dr. Hays from the body of Benicio Vasquez, which were identified and cataloged by WDMCS investigators as:

Evidence exhibit #34 – one expended bullet (left forearm)  
Evidence exhibit #35 – one expended bullet (right chest)  
Evidence exhibit #36 – one expended bullet (right hip)  
Evidence exhibit #37 – one expended bullet (sacrum)

Of particular note, Dr. Hays indicated that the two bullets removed from the hip (evidence exhibit #36) and sacrum (evidence exhibit #37) were from old injuries and *were not associated with the incident on Enfield Street*. Thus, of the four bullets removed during autopsy, only two were related to the use of force incident being investigated – one removed from the left forearm (evidence exhibit #34), the other removed from the right chest (evidence exhibit #35).

On March 5, 2021, Dr. Hays issued his eight (8) page final report of the autopsy of Benicio Vasquez. The autopsy reveals five total gunshot wounds related to the incident under investigation. Two of those gunshot wounds, identified as “penetrating,” resulted in projectiles entering and remaining in the body until recovered during autopsy (evidence exhibit #s 34 and 35). The other three gunshot wounds were identified as “perforating,” indicating that a projectile entered the body of the decedent, traveled through, then exited. The final two gunshot wounds of the torso noted during the autopsy were identified as “remote,” meaning that the two projectiles recovered were from previous gunshot injuries unrelated to this incident. The report also reflects an injury of the left anterior forearm, which Dr. Hays comments may represent a “superficial partial re-entrance” from one of the two perforating gunshot wounds of the torso (meaning a bullet passed through the torso and, upon exiting the decedent’s body, struck his forearm, causing injury without full re-entry). Finally, the report notes an abrasion of the left knee and “fresh fractures of the right central and lateral incisors” (teeth).

The autopsy report notes that there is no fouling or stippling of skin associated with any of the entrance gunshot wounds.<sup>29</sup> Nor was there any gunshot residue visible on the

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<sup>29</sup> Handguns fire ammunition or cartridges composed of a primer, gunpowder (propellant), and a bullet (projectile). The primer is located at the base of the cartridge casing which contains the propellant or gunpowder. When the firing pin of a weapon strikes the primer, the resulting explosion ignites the gunpowder. Rapidly expanding gasses produced by the combustion of the gunpowder propel the bullet (projectile) out of the cartridge case, down and out the barrel of the gun. Thus, when a gun is fired, in addition to the projectile, burned and unburned gunpowder, vaporized primer, and potential traces of metal from the barrel, all escape the end of the barrel or “muzzle” of the gun. Depending upon the distance between the muzzle and the target, each of these substances expelled from the barrel of the gun may be deposited on the skin and/or clothing of the victim. See J. Scott Denton, MD, Adrienne Segovia, MD, and James A. Filkins, MD, JD, PhD, *Practical Pathology of Gunshot Wounds*, Archives of Pathology & Laboratory Medicine (September 1, 2006) 130 (9) at 1283-1289. <https://doi.org/10.5858/2006-130-1283-PPOGW>.

Gunpowder exits the muzzle in two forms: (1) Completely burned gunpowder, called “soot” or “fouling,” which can be washed off the skin; or (2) Particles of burning and unburned gunpowder, which can become embedded in the skin or bounce off and abrade the skin. These marks on the skin are known as “powder tattooing” or “stippling.”

decedent's hands/fingers. The report indicates that no sequence of injuries is to be implied based upon the order in which Dr. Hays addressed the wounds in his report. In other words, the autopsy did not determine the order in which any of the five gunshot injuries occurred. The report thereafter examines the decedent's five gunshot wounds individually, documenting the location of the entrance wound, the wound path, location of the exit wound where applicable, the recovery of any projectile, the direction of wounding, and any associated findings.

The first gunshot wound documented was a perforating wound of the neck and head from which no projectile was recovered. The entrance wound was located in the posterior right neck, centered 8½ inches below the top of the head and ½ inch right of the midline. The bullet traveled back to front, right to left, and slightly downward, before exiting on the underside of the left chin near the jaw line. The exit wound was centered 9 inches below the top of the head and ¾ inch left of the midline. This bullet perforated the cervical spinal column at the C4 level, with near complete transection of the spinal cord. Epidural, subdural, and subarachnoid hemorrhage was noted, with subarachnoid hemorrhage extending to the base of the brain and the cerebellum.

The second gunshot wound documented was a penetrating wound of the torso. A moderately deformed, partially fragmented, medium-caliber bullet with a copper-colored jacket (evidence exhibit #35) was recovered from the right chest, located 17 inches below the top of the head and 1 inch right of the midline; a 1 inch pink contusion of the overlying skin was noted. The entrance wound was located in the right upper back, centered 15 inches below the top of the head and 1⅝ inches right of the midline. The bullet traveled back to front, slightly right to left, and downward. This bullet perforated the right scapula, and entered the thoracic cavity by fracturing the right 6<sup>th</sup> rib posteriorly, before perforating the right upper lobe of the lung and exiting the thoracic cavity by fracturing the right 5<sup>th</sup> rib anteriorly, then passing into the soft tissue of the right chest.

The third gunshot wound documented was a perforating wound of the torso from which no projectile was recovered. The entrance wound was located in the left lateral back, centered 22 inches below the top of the head and 5⅞ inches left of the midline. The bullet traveled back to front, left to right, and upward. The exit wound was located in the right upper chest, centered 14 inches below the top of the head and 3½ inches right of midline. This bullet traveled through the soft tissue and musculature of the back before entering the abdominal cavity by passing through the 9<sup>th</sup> intercostal space posterolaterally, where it perforated the stomach and grazed the left lobe of the liver. The

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The presence or absence of fouling or stippling on the clothing or skin can help determine the distance from the muzzle of the weapon to the target. For example, whether the gunshot was fired at contact with the biological target (tight or loose), at close range (generally 6-12") (where both fouling and stippling are present), intermediate range (generally 12" to 3') (where there is no fouling, only stippling) or distant (where there is no fouling or stippling). Though the amount of gunpowder emanating from the muzzle differs among weapons and ammunition, the absence of both fouling and stippling in this instance provides a reasonable inference that the gunshots which struck Benicio Vasquez were not fired at close range. This finding is consistent with SA Reeder's statement to FBI interviewers that he fired his weapon at a distance of two to three feet from Vasquez (see Section II.D., *supra*) and TFO Kiely's sworn, written, and signed statement that he fired his weapon at a distance of eight to twelve feet from Vasquez (*id.*).

bullet thereafter entered the thoracic cavity, where it sequentially perforated the pericardium, heart with disruption of the right coronary artery, and pericardium. The bullet exited the thoracic cavity by fracturing the right 1<sup>st</sup> rib anteriorly, then passed through the soft tissue of the right chest and exited.

The fourth gunshot wound documented was a perforating wound of the torso from which no projectile was recovered. The entrance wound was located in the left lower back, centered 25 $\frac{3}{4}$  inches below the top of the head and 5 $\frac{3}{8}$  inches left of the midline. The bullet traveled back to front, right to left, and upward. The exit wound was located in the lateral left chest, centered 23 $\frac{1}{2}$  inches below the top of the head and 6 $\frac{1}{2}$  inches left of midline. This bullet passed through the soft tissue and musculature of the lateral left torso, without violation of the serous cavities.

The fifth gunshot wound documented was a penetrating wound of the posterior left upper arm. A moderately deformed, partially fragmented, medium-caliber bullet with a copper-colored jacket (evidence exhibit #34) was recovered from an intramuscular pocket of the left forearm, located 17 inches below the top of the shoulder and  $\frac{1}{4}$  inch right of the midline of the extremity. The entrance wound was centered 10 $\frac{1}{2}$  inches below the top of the shoulder and  $\frac{1}{2}$  inch right of the midline of the extremity. The bullet traveled back to front, left to right, and downward. This bullet passed through the soft tissue and musculature of the left upper extremity with no bony or major vascular injury.

Consistent with what witnesses Brandon Spence and Shameka Kelly told WDMCS investigators regarding Benicio Vasquez's use of alcohol on the morning of the incident, a toxicology report related to femoral blood drawn at autopsy revealed that Vasquez's blood alcohol concentration (BAC) was 0.105, and also revealed the presence of Delta-9 THC (tetrahydrocannabinol), the principle psychoactive ingredient of marijuana/hashish, in his system at the time of his death.

On June 23, 2021, the undersigned, along with members of the NHSAO, conducted a Zoom meeting with Dr. Hays for the purpose of discussing the results of Benicio Vasquez's autopsy. Among the issues discussed, the undersigned inquired into the likely cause of the recent fractures of the teeth noted in the autopsy, as they did not appear to be related to any gunshot injury. Based upon the path of travel of the projectile associated with the perforating wound of the neck, which exited on the underside of the left chin near the jaw line, Dr. Hays opined it likely would not have been the cause of teeth fractures. Given the absence of bruising in the area of the face, particularly around the mouth, and no injury to the lips, Dr. Hays opined that the teeth fractures were likely a result of medical intervention. That is, in his experience, it is not uncommon to see fractures of the teeth associated with intubation of a patient. Indeed, review of hospital records reflects that, as part of the trauma team response, Vasquez was intubated, and that the intubation required two attempts.

## **IX. FORENSIC ANALYSIS OF THE FIREARMS EVIDENCE**

### **A. Examination and Testing of Benicio Vasquez's Gun**

On January 21, 2021, WDMCS investigators delivered the gun with magazine which TFO Reeder recovered on scene from Benicio Vasquez (evidence exhibit #21) (see Appendix A), along with the 9mm cartridge casing with MAGIW stamp that TFO Reeder reported removing from its jammed position in the gun's ejection port (evidence exhibit #22) (see Appendix B), to the Connecticut Division of Scientific Services Forensic Laboratory ("forensic lab" or "laboratory"). These items were forwarded to the Firearms Unit of the laboratory for examination and testing.

On February 19, 2021, the Firearms Unit provided the WDMCS with a written report of the results of its examination of Vasquez's gun, which it identified as "One (1) 9mm Luger Polymer80 Inc. semi-automatic pistol, Model PF940SC, no serial number, with one (1) Q-Series laser sight, and Rock Slide USA Slide," with "One (1) detachable box magazine containing fourteen (14) 9mm Luger cartridges." The report indicates that, for operability examination, the gun was test fired utilizing the submitted magazine and ammunition from the laboratory stock. The gun operated without malfunction. A fired cartridge case and bullet resulting from the test fire were subsequently used for comparison with firearms evidence seized by WDMCS investigators in the course of their investigation. See Section IX.D., *infra*.

### **B. Examination and Testing of TFO Christopher Kiely's Gun**

On January 21, 2021, WDMCS investigators delivered TFO Kiely's service pistol with magazine (evidence exhibit #43) to the forensic lab for examination and testing by the Firearms Unit.

On February 19, 2021, the Firearms Unit provided the WDMCS with a written report of the results of its examination of TFO Kiely's service pistol, which it identified as "One (1) 40 S&W Glock semi-automatic pistol, Model 23 Gen 4, serial number YHX875, with one (1) Streamlight flashlight, model TLR-7, serial number 066667," with "One (1) detachable box magazine containing eleven (11) 40 S&W cartridges marketed by Winchester." TFO Kiely's service pistol was test fired utilizing the submitted magazine and ammunition from the laboratory stock and operated without malfunction. A fired cartridge case and bullet resulting from the test fire were subsequently used for comparison with firearms evidence seized by WDMCS investigators in the course of their investigation. See Section IX.D., *infra*.

### **C. Examination and Testing of SA Frederick Reeder's Gun**

As detailed in Section V.F., *supra*, on January 13, 2021, WDMCS Detective Downs visually examined and photographed evidence in the custody and control of the FBI in New Haven, including SA Reeder's FBI-issued Glock Model 19M 9mm service pistol, bearing serial no. BDZE993. Subsequent to that visual examination and photographing,

SA Reeder's gun was forwarded by FBI personnel to the Firearms/Toolmarks Unit (FTU) at the FBI Laboratory in Quantico, Virginia, for physical examination and test firing as part of its internal review.

Pursuant to an agreement between the FBI-SIRT, the WDMCS, and the NHTSA, in addition to conducting examinations and testing pursuant to its own administrative review, the FBI Laboratory conducted test fires of SA Reeder's gun for the purpose of producing fired cartridge cases and bullets that the Connecticut forensic lab could compare with evidence seized in the Enfield Street investigation. Toward that end, the FTU test fired SA Reeder's gun utilizing standard FBI issued service ammunition, test firing two 9mm Luger cartridges marketed by Federal (FC), and two 9mm Luger cartridges marketed by Hornaday. Thereafter, the FTU placed the resulting four bullets and four fired cartridge cases in an envelope identified as FBI Evidence Exhibit #1B9. On March 5, 2021, an FBI special agent submitted the envelope containing the FBI evidence exhibit to the Connecticut forensic lab for comparison with firearms evidence seized by WDMCS investigators in the course of their investigation. See Section IX.D., *infra*.

#### **D. Comparisons of the Firearms Related Evidence**

As noted, on January 21, 2021, WDMCS investigators delivered both Benicio Vasquez's gun and magazine (evidence exhibit #21) as well as the 9mm cartridge case that TFO Reeder reported removing from its jammed position in the gun's ejection port (evidence exhibit #22) to the forensic lab. Likewise submitted were TFO Kiely's service pistol and magazine (evidence exhibit #43). In addition, investigators delivered all firearms related evidence recovered from the primary scene in the driveway of 98 Enfield Street (specifically: evidence exhibit #s 1 through 6, 8, 10 through 15, 18, and 19). See Section V.A.4., *supra*. Finally, WDMCS investigators also submitted for examination and comparison two of the projectiles removed from the body of Benicio Vasquez during autopsy (evidence exhibit #s 34 and 35). See Section VIII., *supra*.

On February 19, 2021, the Firearms Unit provided the WDMCS with a written report documenting its analysis of the evidence submitted on January 21, 2021, including the results of comparisons of the submitted evidence with fired cartridge cases, and projectiles, produced by laboratory test-fires of Benicio Vasquez's gun (evidence exhibit #21) and TFO Kiely's service pistol (evidence exhibit #43).

The report indicates that the forensic examiner microscopically compared the fired cartridge case resulting from the test fire of Benicio Vasquez's gun (evidence exhibit #21) with the fired cartridge case that TFO Reeder reported removing from its jammed position in the gun's ejection port (evidence exhibit #22).<sup>30</sup> Based on agreement in class

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<sup>30</sup> In addition to comparing the test-fire cartridge case from Benicio Vasquez's gun with evidence seized in this case, on January 29, 2021, images of the test-fire cartridge case were entered and searched through the National Integrated Ballistic Information Network (NIBIN). NIBIN is the only interstate automated ballistic imaging network in the United States. Utilizing it, law enforcement can search and compare ballistic evidence in an investigation against other ballistic evidence previously entered into the

characteristics and sufficient agreement in individual characteristics, evidence exhibit #22 was identified as having been fired in evidence exhibit #21. In other words, the examiner determined that *the fired cartridge case that TFO Reeder reported he removed from a jam in Benicio Vasquez's gun had in fact been fired in the gun.*

The report further indicates that the two (2) 40 cal. Winchester S&W cartridge cases recovered from the primary driveway scene (specifically near the northwest corner of the house at 94-96 Enfield Street, along the north side of the porch) (evidence exhibit #s 18 and 19) were microscopically compared with each other. Based on agreement in class characteristics and sufficient agreement in individual characteristics, both of these cartridge cases were determined by examiners to have been fired from the same firearm. Examiners next compared one of these cartridge cases with the cartridge case resulting from the test-fire of TFO Kiely's service pistol (evidence exhibit #43). Based upon this microscopic comparison, examiners determined that *both of the fired 40 cal. cartridge cases recovered from the primary driveway scene were fired in TFO Kiely's 40 S&W Glock semi-automatic pistol, Model 23 Gen 4.*

The February 19, 2021, Firearms Unit report also indicates that examiners microscopically compared each of the seven (7) fired 9mm cartridge cases recovered from the primary scene in the driveway of 98 Enfield Street (evidence exhibit #s 3 through 5, and 10 through 13). Based on agreement in class characteristics and sufficient agreement in individual characteristics, *all seven of these fired cartridge cases* (including evidence exhibit #12, which bore the headstamp of a different manufacturer than the others) *were determined by examiners to have been fired from the same firearm.* In other words, the firearm from which all seven cartridges cases were fired held a magazine which contained what is commonly referred to as a "mixed load," comprised of cartridges manufactured by more than just one company.

The report also indicates that examiners microscopically examined the two fired bullets which were removed from the body of Benicio Vasquez during autopsy (evidence exhibit #s 34 and 35). Each was determined to be .38/9mm class, and based on agreement in class characteristics and sufficient agreement in individual characteristics, it was determined that each of these bullets was fired in the same firearm. In addition to the two fired bullets recovered during the autopsy, examiners determined that evidence exhibit #14 (a copper jacketed bullet fragment recovered in the driveway of 98 Enfield

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system from other investigations in their own jurisdiction, as well as nationwide. To use NIBIN, firearms examiners or technicians enter images of fired cartridge cases, which are then automatically correlated against the existing database. The program automates ballistic evaluations and provides actionable investigative leads.

Entry of the image of the fired cartridge case resulting from the test-fire of Benicio Vasquez's gun into the automated system generated two NIBIN "hits," indicating possible "candidates" for subsequent manual microscopic comparison. Specifically, NIBIN indicates a possible association between the test-fire cartridge case and fired cartridge cases recovered from two other Hartford shootings currently under investigation. In other words, preliminary indications are that this particular gun was utilized in at least two other shootings in Hartford. Because of the ongoing nature of those investigations, and because those cases do not impact the use of force analysis undertaken herein, further details of a connection, if any, between these cases is withheld at this time.

Street – 49.27 ft. from the AT&T pole) was also fired in the same firearm. Further, examiners determined, based on agreement in class characteristics and *some* individual characteristics, evidence exhibit #8 (a copper jacketed projectile recovered in the driveway of 98 Enfield Street – 39.88 ft. from the AT&T pole) “could have been fired in the same firearm,” however, due to damage and lack of detail a more conclusive determination could not be rendered.

The February 19, 2021, Firearms Unit report further documents that examiners microscopically examined evidence exhibit #2 (a copper bullet fragment recovered in the driveway of 98 Enfield Street – 15.76 ft. from the AT&T pole) and determined that, due to a difference in class characteristics, evidence exhibit #2 *was not* fired in the same firearm as the two fired bullets which were removed from the body of Benicio Vasquez during autopsy (evidence exhibit #s 34 and 35). Examiners also compared evidence exhibit #2 with the fired bullet resulting from the test fire of Benicio Vasquez’s gun (evidence exhibit #21), and determined it could not be identified or eliminated as having been fired in Benicio Vasquez’s gun due to damage and lack of detail.

As noted, on March 5, 2021, an FBI special agent submitted the envelope containing FBI Evidence Exhibit #1B9 (four bullets and four fired cartridge cases resulting from the FBI laboratory’s test-fire of SA Reeder’s Glock Model 19M 9mm service pistol, bearing serial no. BDZE993), to the Connecticut forensic lab for comparison with firearms evidence seized by WDMCS investigators in the course of their investigation. On April 1, 2021, the Firearms Unit provided the WDMCS with a supplemental written report documenting its analysis of the evidence submitted on March 5, 2021, including the results of comparisons with the evidence previously submitted and documented in the original February 19, 2021 Firearms Unit report.

The April 1, 2021, Firearms Unit supplemental report indicates that examiners microscopically compared evidence exhibit #3 (one of the seven (7) fired 9mm cartridge cases recovered from the primary scene in the driveway of 98 Enfield Street, previously determined to have all been fired in the same gun) with FBI Evidence Exhibit #1B9 (four bullets and four fired cartridge cases resulting from the FBI laboratory’s test-fire of SA Reeder’s Glock Model 19M 9mm service pistol). Based upon agreement in class characteristics and sufficient agreement in individual characteristics, it was determined that *all seven (7) of the fired 9mm cartridge cases recovered from the primary scene in the driveway of 98 Enfield Street were fired in SA Reeder’s gun*. Further, the examiners reported that they microscopically compared evidence exhibit #s 34 and 35 (the two fired bullets which were removed from the body of Benicio Vasquez during autopsy) with FBI Evidence Exhibit #1B9. Based upon class characteristics and sufficient agreement in individual characteristics, the comparison determined that *both bullets removed from the decedent’s body were fired in SA Reeder’s gun*. Examiners also determined, based upon class characteristics and sufficient agreement in individual characteristics, that *evidence exhibit #14 (a copper jacketed bullet fragment recovered in the driveway of 98 Enfield Street – 49.27 ft. from the AT&T pole) was fired in SA Reeder’s gun*.



## X. PERSONNEL RECORDS

Christopher Kiely, a white male, has been continuously employed by the New Britain Police Department since 2009. In 2017 he was promoted to the rank of Detective and assigned to the Criminal Investigations Division. In May of 2020, Detective Kiely was assigned to the FBI Northern Connecticut Violent Gang Task Force as a Task Force Officer.

His personnel file contains several letters of commendation related to his actions and performance as a City police officer. Review of his training records reflects that, prior to this incident, Detective Kiely most recently successfully completed his annual firearms training on May 12, 2020 and June 15, 2020. Detective Kiely last completed "Use of Force" training on July 27, 2020.

Review of Detective Kiely's discipline history reflects that he has no substantiated use of force complaints against him. On December 14, 2017, Detective Kiely was involved in an incident in which he discharged his firearm during the course of his official duties. This was related to efforts to take several felony suspects into custody, at which time he and several other New Britain police officers discharged their firearms at the suspects. Two suspects were injured and one subsequently died of his injuries. On January 3, 2019, Fairfield State's Attorney John Smriga released his investigatory report, determining that Detective Kiely's use of deadly physical force was justified and no further action was taken by the Division of Criminal Justice.

Frederick Reeder, a white male, has been continuously employed by the Federal Bureau of Investigation since 2002. FBI personnel and training records related to SA Reeder were not furnished to the WDMCS in furtherance of this investigation.

## XI. APPLICABLE LAW

As applicable on the date of this incident, January 6, 2021, C.G.S. §53a-22(c) permits a peace officer, *inter alia*, to use deadly physical force upon another person when he or she reasonably believes such force to be necessary to defend himself or a third person from the use or imminent use of deadly physical force.<sup>31</sup> "Peace officer" is defined by C.G.S. §53a-3(9) to include any member of an organized local police department, or any special agent of the federal government authorized to enforce federal drug laws. "Deadly physical force" is defined by C.G.S. §53a-3(5) as "physical force that can be reasonably expected to cause death or serious physical injury," while "serious physical injury" is defined by C.G.S. §53a-3(4) as "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."

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<sup>31</sup> Since the date of this incident, subsection (c) of C.G.S. § 53a-22 has been amended by the legislature on two occasions. See P.A. 21-4 (*effective January 1, 2022*) for the most up-to-date version of the statute.

The test to determine whether an officer's belief is reasonable pursuant to §53a-22 is both subjective and objective. *State v. Smith*, 73 Conn. App. 173, 198, *cert. denied*, 262 Conn. 923 (2002). First, the officer must honestly believe that the use of deadly force is necessary to defend himself or another from the imminent use of deadly physical force in the immediate circumstances. *Id.* The second part of the test requires that the officer's belief be objectively reasonable. *Id.* That is, if the officer in fact believed that deadly force was necessary, it must then be determined whether that belief was reasonable, from the perspective of a reasonable police officer in the officer's circumstances. *Id.*, *citing Graham v. Connor*, 490 U.S. 386, 396 (1989) (evaluating reasonableness of police officer's belief that deadly force justified in context of fourth amendment excessive use of force claims, stating that "[t]he [objective] reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.")

## **XII. DETERMINATIONS REGARDING THE USE OF DEADLY FORCE**

As detailed in Section II.C., *supra*, on the morning of the fatal incident, in an effort to avoid an encounter with officers, Vasquez entered a motor vehicle and attempted to flee. Vasquez disregarded officers' lawful commands and fled in the vehicle, driving recklessly, striking multiple undercover vehicles, and nearly running over an officer. Vasquez's vehicle ultimately collided head-on with an FBI agent's vehicle before coming to rest against a telephone pole on Enfield Street. Upon exiting the vehicle, Vasquez again ignored commands, instead fleeing on foot up the driveway of 98 Enfield Street where the fatal encounter occurred.

Following any tragic incident such as this, the desire is always to seek to find an explanation as to why an individual acted in a particular manner. As previously noted, the post mortem toxicology tests determined that Vasquez's blood alcohol concentration at the time of death exceeded the legal limit for being able to operate a motor vehicle due to the effect of, among other things, impaired judgment. Moreover, toxicology tests revealed the presence of Delta-9 THC, the active ingredient of marijuana, a DEA Schedule I hallucinogen which, pharmacologically, has depressant and reality distorting effects. Although the extent remains unknown, it is reasonable to infer that these substances adversely impacted his judgment that day.

As Vasquez fled up the driveway, he turned and fired one shot at pursuing officers as he ran. SA Reeder and TFO Kiely both returned fire. Forensic analysis of the evidence collected in the driveway reveals that Vasquez discharged his gun once, SA Reeder discharged his gun seven (7) times, and TFO Kiely discharged his gun twice. Analysts confirmed that the Shot Spotter system recorded a total of ten (10) shots fired within a span of less than 1.8 seconds. Moreover, the Shot Spotter system recorded an officer's verbal command to drop the gun, an obvious attempt at de-escalation immediately prior to the use of deadly force.

When they made the split-second decision to use deadly force, SA Reeder and TFO Kiely did so with the subjective belief that, if they did not, Vasquez would kill or injure

them or the other members of the arrest team following closely behind them. Investigation has revealed nothing that would contradict their assertions that they discharged their firearms in self-defense and in defense of others. In his attempt to flee, Vasquez had already shown a disregard for the lives and safety of the officers, and had demonstrated the lengths he was willing to go to avoid capture. In the narrow confines of the driveway, between two houses which afforded no cover or concealment for the officers, the officers were left with no choice but to discharge their weapons in self-defense.

The autopsy results are consistent with the officers' description of the fatal incident. As Vasquez ran up the driveway, he turned and fired while continuing to run. Common sense dictates that there is a natural response time between the recognition of danger, the conscious decision to fire, and the actual discharge of a firearm. This necessarily would have exposed his flank, back, and rear of his neck to the return fire of the officers.

Based on the facts determined to exist in this case, the undersigned finds that SA Reeder and TFO Kiely's beliefs and actions were both subjectively and objectively reasonable. Therefore, their use of deadly force was justified under C.G.S. §53a-22(c) and no further action will be taken by the Division of Criminal Justice.<sup>32</sup>

### **XIII. RECOMMENDATIONS REGARDING THE USE OF BODY-WORN CAMERAS BY TASK FORCE OFFICERS**

The Connecticut Legislature, in its recently enacted Act Concerning Police Accountability, expanded requirements for the use of body-worn cameras by law enforcement officers. At present, the law requires police officers to use body-worn cameras while interacting with the public in their law enforcement capacity if they are sworn members of (1) the State Police, (2) a municipal police department that has received reimbursement for body-camera purchases under the State's existing grant program, or (3) a public university or college special police force. See C.G.S. §29-6d(c)(1). Beginning July 1, 2022, the Act expands the requirement to *all* sworn members

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<sup>32</sup> It bears explaining that, pursuant to Federal law, had it been determined that the use of deadly force in this instance was not justifiable under Connecticut law, and that criminal charges were warranted against the federal agent and/or task force officer, each would have the right, pursuant to 28 U.S.C. § 1442(a)(1) and the Supremacy Clause of the United States Constitution (U.S. Const. art. IV, cl. 2), to move to remove the case against him to Federal District Court. 28 U.S.C. § 1442(a)(1) provides, in relevant part, for the removal of any "criminal prosecution that is commenced in a State court . . . against . . . any officer (or person acting under that officer) of the United States or of any agency thereof . . . for . . . any act under color of such office . . . for the apprehension . . . of criminals . . ." See *New York v. Tanella*, 374 F.3d 141 (2d Cir. 2004) (Drug Enforcement Administration (DEA) agent was entitled to federal immunity from state prosecution on manslaughter indictment since the agent, in the course of his duties, honestly believed his life to be in danger when he shot and killed suspected drug dealer and his belief was objectively reasonable); see also *Maryland v. Soper* (No. 2), 270 U.S. 36, 42, 46 S.Ct. 192, 70 L.Ed. 459 (1926) (holding that "removals of prosecutions on account of acts done in enforcement of [federal] laws or under color of them properly include those for acts committed by a federal officer in defense of his life, threatened while enforcing or attempting to enforce the law. Such acts of defense are really part of the exercise of his official authority. They are necessary to make the enforcement effective").

of law enforcement agencies that perform police duties. Likewise, starting on July 1, 2022, the act also requires the use of dashboard cameras in police vehicles. See P.A. 20-1, July Special Session.

On the date of this incident Department of Justice (DOJ) policy prohibited federal agents from wearing body-worn cameras. Subsequently, however, in recognition of the utility of body-worn cameras in promoting community trust, on June 7, 2021, Deputy Attorney General Lisa Monaco announced a reversal of this long standing prohibition. In a memorandum directed to the heads of federal law enforcement agencies, Monaco instructed them to draft body-camera policies and phased implementation plans that address when agents must use them, as well as how the footage will be stored, and when it can be released. It is anticipated that agents must wear and activate body-worn cameras for purposes of recording their actions during (1) a pre-planned attempt to serve an arrest warrant or other pre-planned arrest, including the apprehension of fugitives sought on state and local warrants; or (2) the execution of a search or seizure warrant or order. It is the understanding of the undersigned that this process is active and ongoing.

In October of 2020, the DOJ announced a policy that permits state and local police officers assigned to DOJ task forces (TFOs) to wear and use body-worn cameras under certain identified circumstances. Additionally the DOJ policy sets forth a number of conditions limiting the dissemination of the footage recorded. At present, the full extent of the requirements of Connecticut's Police Accountability Act cannot be fulfilled within the limitations imposed by DOJ policy. Simply put, the DOJ policy only allows the use of body-worn cameras by TFOs while serving arrest warrants, executing other planned arrest operations, and during the execution of search warrants – which is much narrower in scope than the state requirements. Further, the DOJ policy identifies any recordings generated by the body-worn camera of a TFO as federal records pursuant to the Federal Records Act, which cannot be disseminated by the TFO, the TFO's parent agency, or any third party without prior written permission of the federal government.

In furtherance of the expressed intent of the legislature in enacting the Police Accountability Act to foster transparency and accountability in law enforcement operations, the undersigned State's Attorney makes the following recommendations:

- Pursuant to statute, the Department of Emergency Services and Public Protection Commissioner and Police Officer Standards and Training Council (POSTC) are required to jointly draft and maintain guidelines for the use of body-worn and dashboard cameras, including designating the type of detective work an officer might engage in that should not be recorded. As a natural extension of this statutory directive, such guidelines should specifically address the use and management of body-worn camera systems by TFOs. This should include the procedures for the expedited public release of recordings that depict conduct committed by TFOs resulting in the serious bodily injury or death of another without the necessity of prior federal approval;

- All state and local police departments whose officers participate as deputized TFOs with DOJ task forces should execute a Memorandum of Understanding (MOU) with the sponsoring federal law enforcement agency, or an addendum to any preexisting MOU, the purpose of which is to incorporate the guidelines for the use and management of body-worn camera systems by TFOs jointly established by the Commissioner and POSTC;
- All state and local police departments equipped with body-worn cameras, whose officers participate as deputized TFOs with DOJ task forces, should require that such TFOs wear and use department issued body-worn cameras while serving on such task forces to the full extent permitted by the guidelines established the Commissioner and POSTC.

#### **XIV. CONCLUSION**

On January 7, 2021, the undersigned and members of my office met with Sonia Thomas, the mother of Benicio Vasquez, to express our condolences and to explain my role in the investigative response to this tragic incident. Sonia Thomas was gracious and understanding during a time of great personal loss.

On August 19, 2021, prior to the public release of this report, I again met with Sonia Thomas to review the findings of the investigation. I want to take this opportunity to again extend my sympathy to her and Benicio Vasquez's entire family and friends for their loss, and thank them for their patience while a complete and thorough independent evaluation of this incident was conducted.

I wish to thank Commissioner James C. Rovella and the Connecticut State Police, in particular the WDMCS investigators, as well as the Division of Scientific Services, for their hard work and dedication to completing this extensive investigation in a timely and thorough manner. In particular, I would like to acknowledge the fine work of Detective Richard G. Covello in assembling the investigative materials produced by the WDMCS and in drafting a comprehensive investigative overview, as well as Sergeant Alain J. Bisson for his professionalism in keeping the NHSAO apprised of the on-going status of the investigation and for remaining ever responsive to investigative requests.

I also thank Hartford Mayor Luke Bronin and his staff for their assistance in attempting to secure any and all available video evidence from the community to aid in this review, as well as the Hartford City Council for their time and interest in ensuring that the Hartford community be kept abreast of the progress of the investigation.

Hartford Police Chief Jason Thody and the entire Hartford Police Department are to be praised for their emergency response to this incident, as well as their substantial efforts in securing the integrity of the scene, and assisting in the investigation. Of particular note, as captured on video, the commendable actions of the TFOs on scene,

as well as responding HPD patrol officers, in immediately rendering aid to Benicio Vasquez in an effort to preserve his life, demonstrates both their commitment to duty and compassion for others.

Finally, I would like to acknowledge the patience, professionalism, and cooperation exhibited by SA Reeder and TFO Kiely during the course of this lengthy investigation and review. The events of January 6, 2021, serve as a stark reminder of the extreme dangers faced by law enforcement officers on a daily basis.



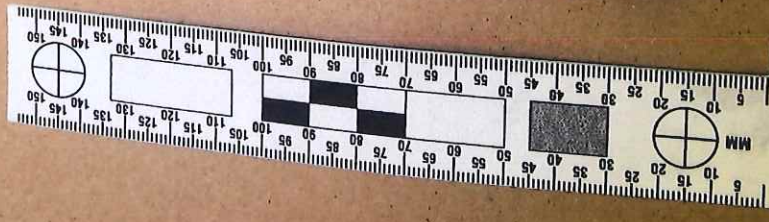
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Patrick J. Griffin  
State's Attorney  
Judicial District of New Haven  
Dated August 24, 2021

# **APPENDIX**

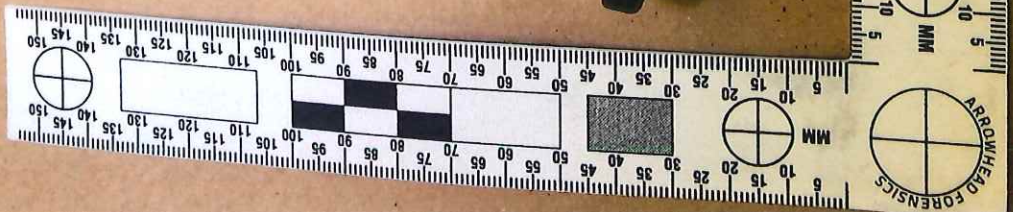
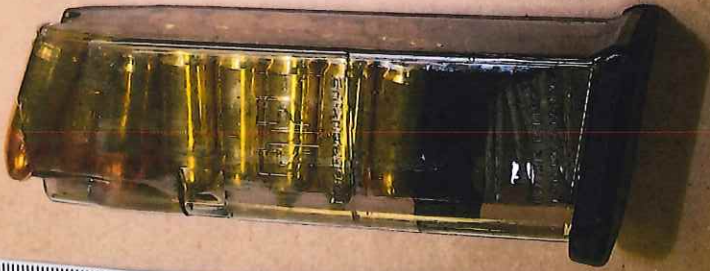
## **A**



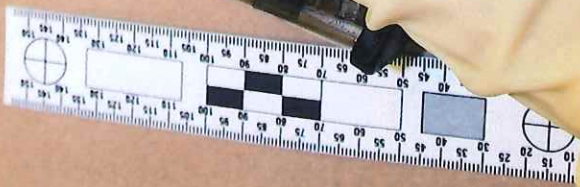




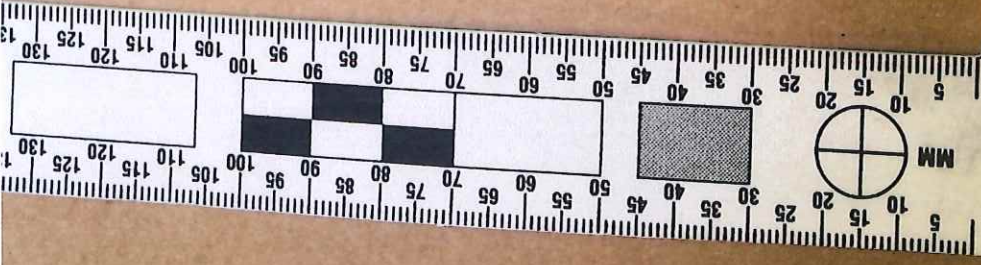
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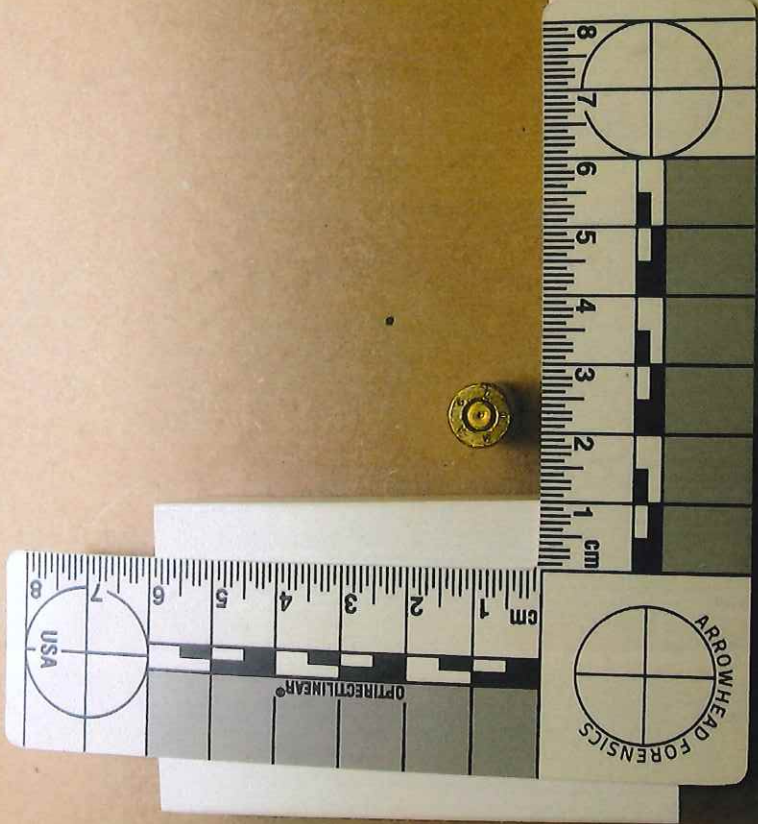


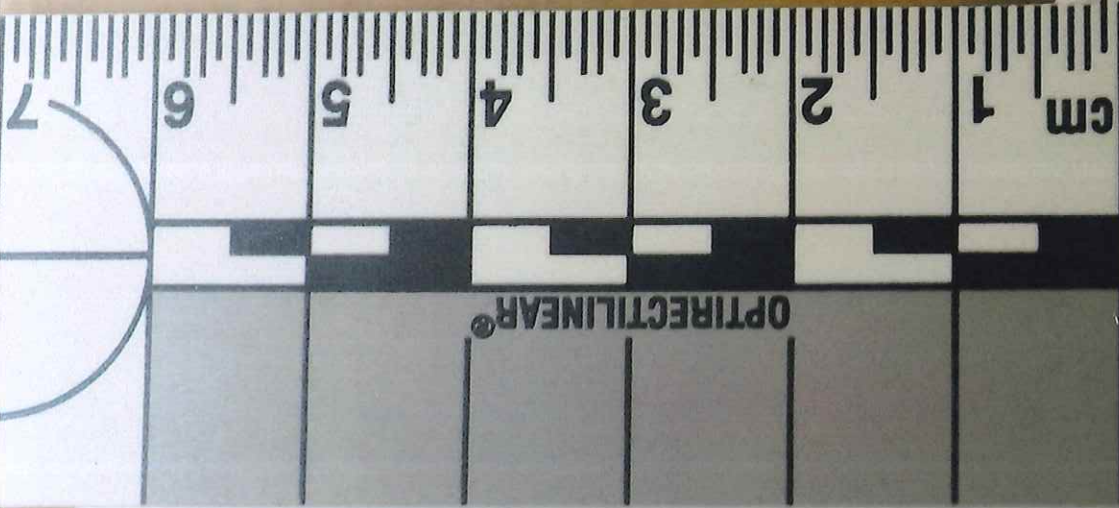
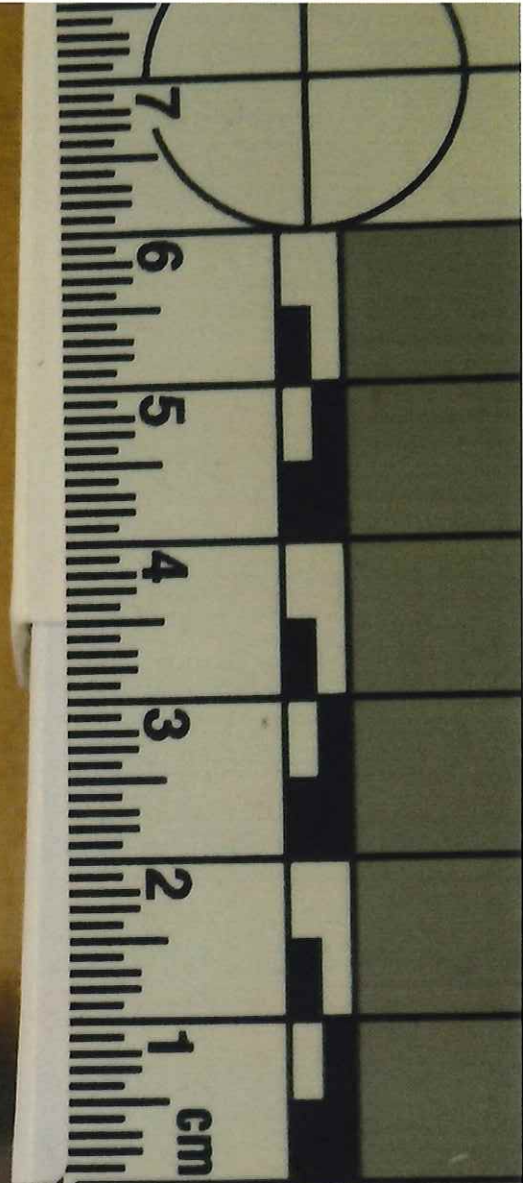
# **APPENDIX**

## **B**



22





# **APPENDIX**

## **C**





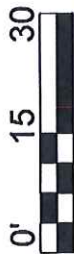
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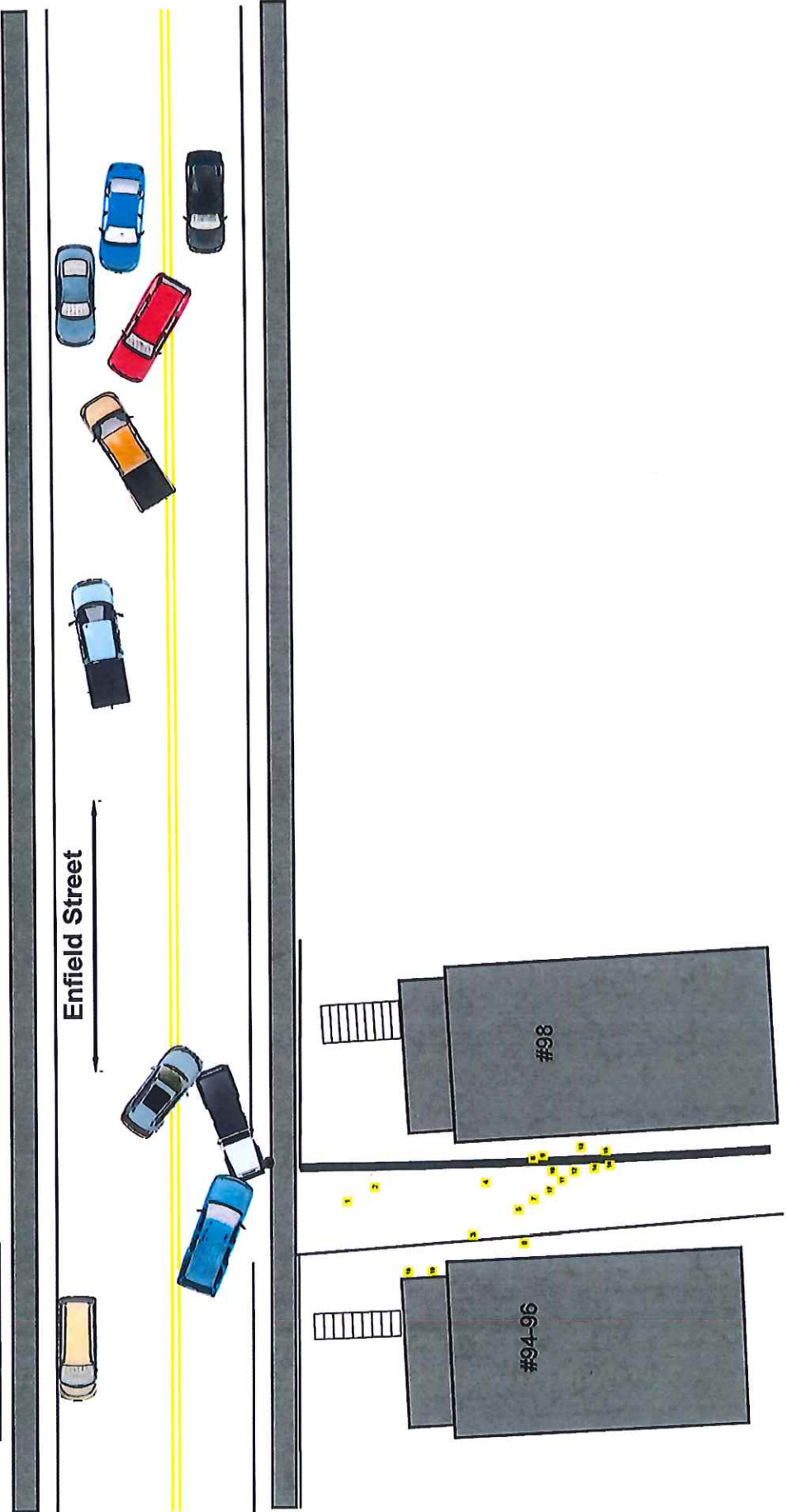
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Created By: Det. Downs #502

Incident Date: January 6, 2021



Map 1 of 2







Connecticut State Police  
Western District Major Crime Squad

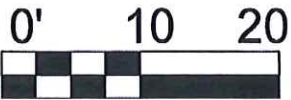


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Location: 98 Enfield St. Hartford, CT

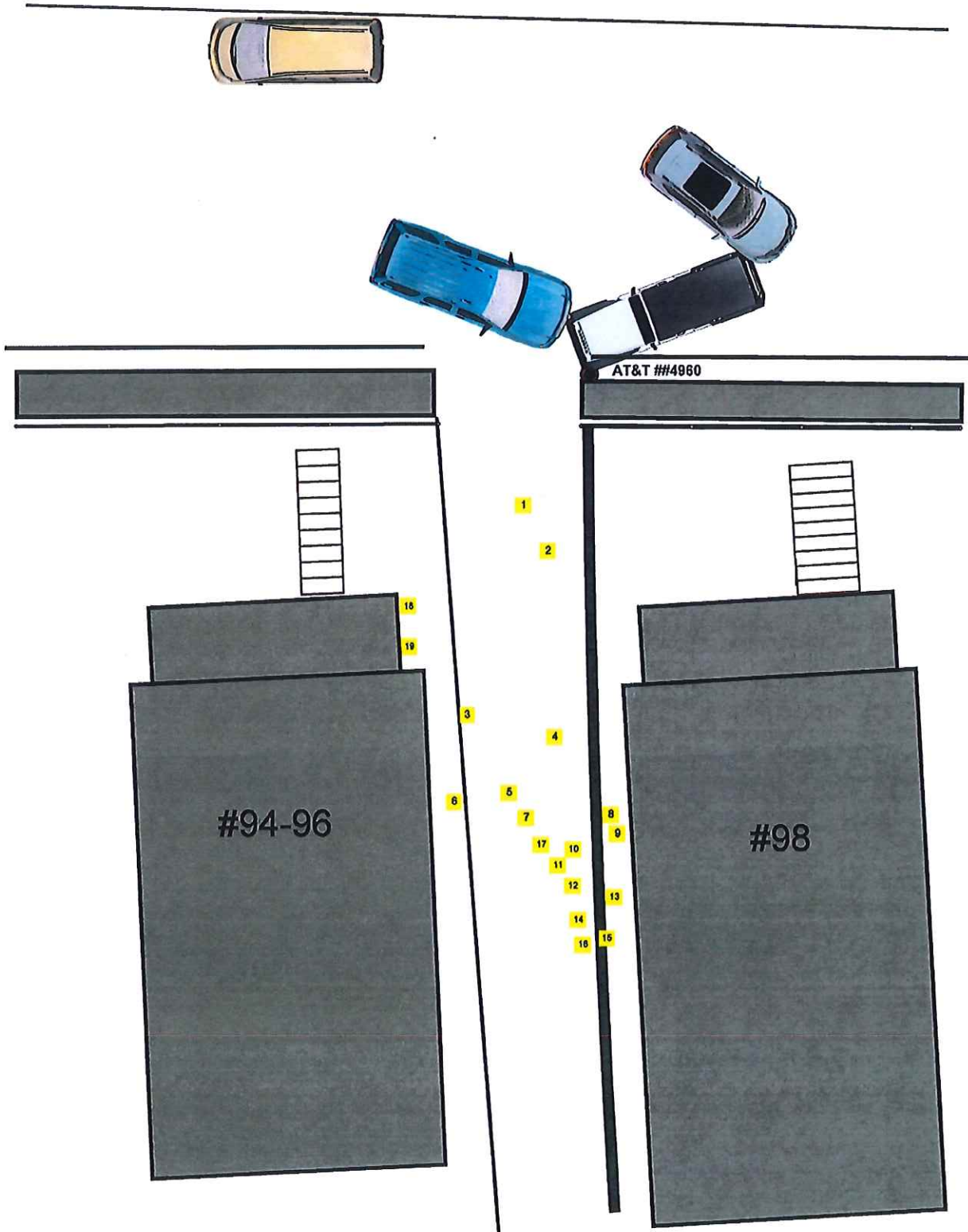
Created By: Det. Downs #502

Incident Date: January 6, 2021



All measurements are approximate

Map 2 of 2



CFS21-00007094

FBI Task Force O.I.S. (Hartford, CT)

1/6/2021

Det. Downs #502

Reference Point-AT&T Pole #4960

Exhibit #	Description	North	South	East	West
1	copper bullet fragment		5.41	11.81	
2	copper bullet fragment		3.24	15.76	
3	9mm Luger Speer casing		10.85	30.5	
4	9mm Luger Speer casing		2.86	32.51	
5	9mm Luger Speer casing		7.21	37.53	
6	copper bullet fragment		12.53	38.43	
7	black colored Under Armour head/face mask		5.72	40.01	
8	copper jacketed projectile	1.74		39.88	
9	Cartier glasses	2.06		41.32	
10	9mm Luger Speer casing		1.77	42.7	
11	9mm Luger Speer casing		3.08	44.14	
12	9mm Luger FC casing		1.64	46.05	
13	9mm Luger Speer casing	1.97		47.23	
14	copper jacketed bullet fragment		1.31	49.27	
15	copper bullet fragment	1.31		51.02	
16	black colored Lakers baseball cap		0.8	51.45	
17	swab of BLS		4.45	42.2	
18	40 cal. Winchester S&W casing		16.6	20.99	
19	40 cal. Winchester S&W casing		16.73	24.53	

# **APPENDIX**

## **D**











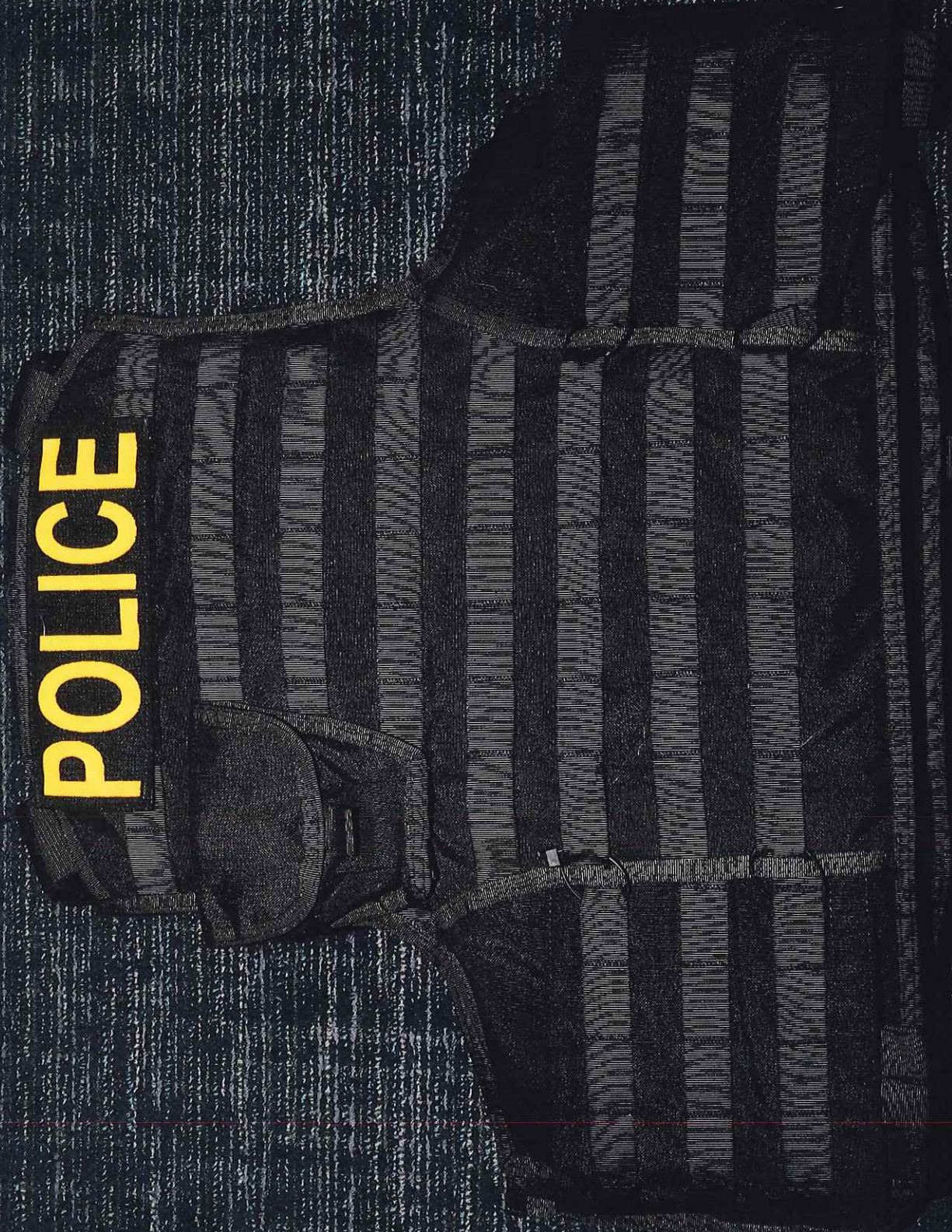


# **APPENDIX**

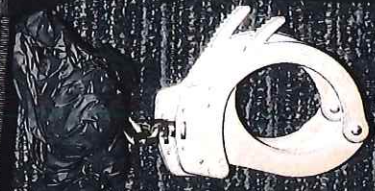
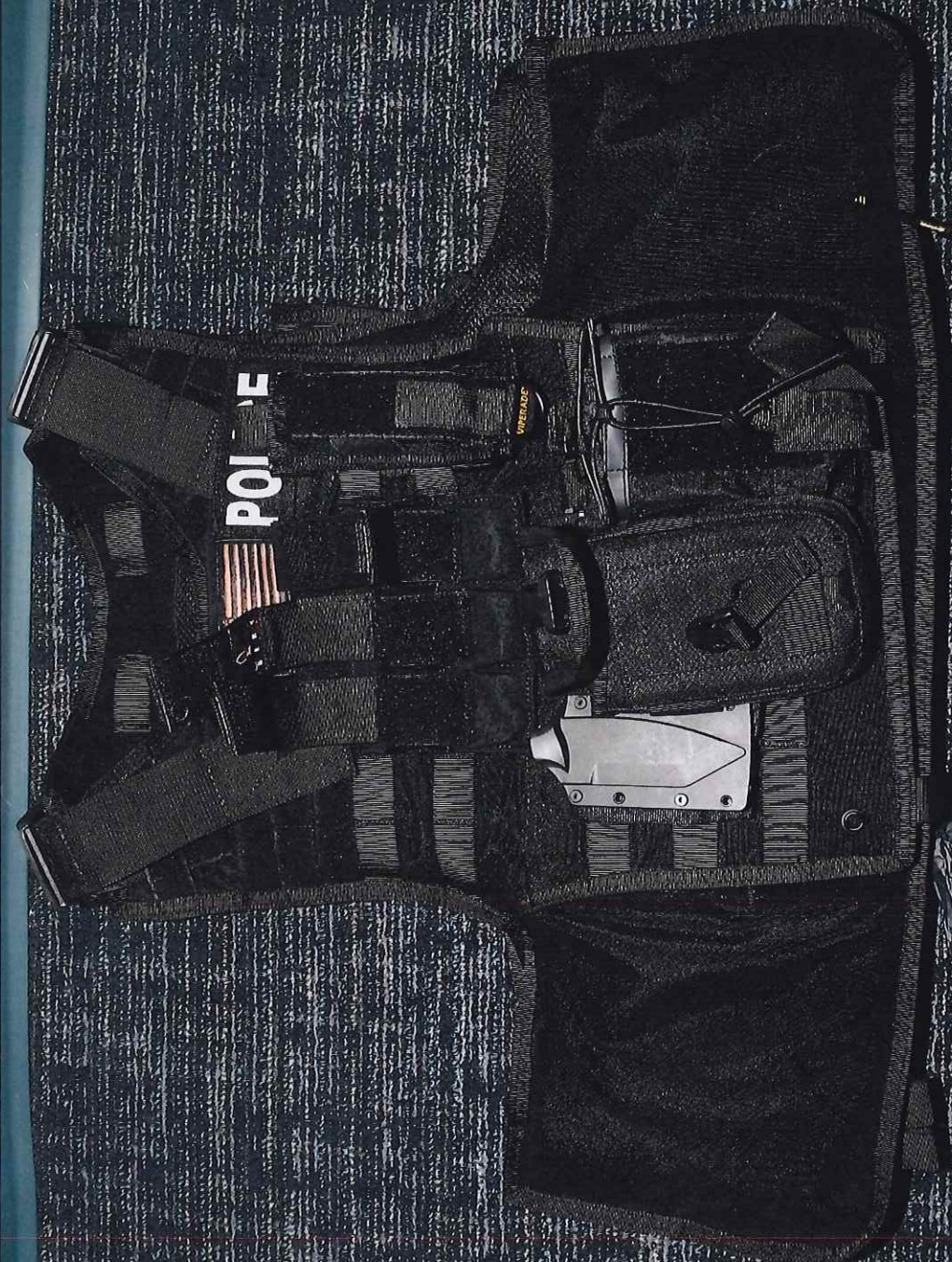
## **E**



**POLICE**









# **APPENDIX**

## **F**



**POLICE**





**POLICE**







**FBI**