

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force on Kyle O'Creene by the
Naugatuck Police Department

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Inspector General

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The Office of Inspector General acknowledges the assistance to this investigation provided by the

Naugatuck Police Department

Connecticut Forensic Laboratory

Central District Major Crime Squad

INTRODUCTION

On April 25, 2024, at approximately 9:19 a.m., Naugatuck Police Officers Crystal Hudson¹ and Joseph Palhete² shot and wounded Kyle O’Creene,³ who was suffering from an undisclosed mental illness and was attempting to commit “suicide by cop.” As required by statute,⁴ the Office of Inspector General (OIG) investigated this officer-involved shooting. The results of the investigation are contained in this report.

The investigation reveals that on April 25, 2024, Kyle O’Creene called 911 at 9:12 a.m. to report that there was a white male at Baummer’s Pond Park who was wearing a dark jacket and pointing a knife at people in the park. Naugatuck police officers were dispatched to the park located on Mill Street. When they arrived, they observed O’Creene, who was wearing a dark jacket, near a picnic table at the pond’s edge. As the officers approached, O’Creene removed a knife from his pocket and began walking towards the officers. He did not comply with their orders to drop the knife. The officers initially retreated as O’Creene walked towards them, while repeating their orders to O’Creene to drop the knife. When he continued to move towards the officers and did not drop the knife, several officers deployed their Tasers but these attempts to use non-lethal force were unsuccessful. Immediately thereafter, O’Creene charged quickly towards one or more of the officers with the knife. Officers Palhete and Hudson then discharged their service handguns, striking and wounding O’Creene.

After O’Creene fell to the ground, police officers immediately rendered life-saving medical aid to him. While conscious, O’Creene stated that “I want to die” and asked the officers “why didn’t you kill me.” O’Creene survived his gunshot wounds.

Based on our investigation, I conclude that, under the totality of the circumstances, Officers Hudson and Palhete reasonably believed that O’Creene posed an immediate threat of

¹ Officer Hudson is a white female who, on the date of the incident, was 33 years of age and had been a Naugatuck police officer for approximately 10 months. She had no disciplinary history.

² Officer Palhete is a white male who, on the date of the incident, was 34 years of age and had been a Naugatuck police officer for approximately 6 years and six months. He had no disciplinary history.

³ O’Creene is a white male who, on the date of the incident, was 24 years of age.

⁴ As relevant here, General Statutes §51-277a(a)(1) provides: “Whenever a peace officer, in the performance of such officer’s duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of force by the peace officer was justifiable under section 53a-22.”

serious injury or death to them and other officers at the scene. I find that the officers' use of deadly physical force was objectively reasonable and legally justified under the applicable legal standards.

INVESTIGATION

Statements

Officer Crystal Hudson

On May 30, 2024, Officer Crystal Hudson provided the following sworn written statement to an investigator from the OIG:

"On April 25, 2024, at approximately 09:13 hours, Officer Palhete and I were dispatched to Baummer Pond on a report of a male party pointing a knife at people. Naugatuck Police dispatch advised that only one call was received regarding this male party. A description of this male party was provided where he was described as a white male wearing a black coat. Officer B. Hudson, Officer Leary, and OIT⁵ Baptiste were also dispatched to the scene.

"Officer Palhete and I arrived on scene where I parked on Mill Street directly in front of Baummer Pond facing eastbound. I was currently on Field Training where Officer Palhete was my primary Field Training Officer. Officer Palhete and I arrived on scene in a fully marked Naugatuck Police Patrol vehicle equipped with overhead lights and the words "Naugatuck Police" affixed to the sides of the patrol vehicle.

"I observed a male party sitting at a bench close to the actual pond where this male party was later identified as Kyle O'Creene. O'Creene fit the description that was provided by Naugatuck Police [Dispatch]. Officer Palhete and I had exited our patrol vehicle equipped with the standard Naugatuck Police uniform and equipment as we were easily identifiable as police officers. Upon approaching O'Creene I made initial contact with O'Creene and asked how he was doing, he immediately stood up and Officer Palhete requested him to sit down however, he refused by saying "NO." I then observed O'Creene remove what appeared to be a knife from the right side of his coat. We ordered O'Creene to drop the knife, where he immediately responded by saying "no."

"O'Creene then began walking towards Officer Palhete and I where I then unholstered my department issued Sig Sauer P320 directly at O'Creene. I gave several more commands to drop the knife where again he refused. Officer Palhete advised O'Creene that he would be tased where and then shouted "Taser, Taser, Taser" and deployed his taser directly at

⁵ "OIT refers to an officer-in-training.

O'Creene. O'Creene did not react to the taser where I observed him lift the knife and immediately cut the taser wires. It appeared at this time O'Creene was wearing layers of clothing. Officer Palhete then discharged the taser again, directly at O'Creene where again it did not have any effect. Officer Palhete then advised me and other officers on scene to get distance from O'Creene. Officers continued to order O'Creene to drop the knife where he did not comply.

"I observed O'Creene still holding this knife with his right hand and begin to walk towards and charge at officers. It was apparent O'Creene was not going to comply with any verbal commands. Officers had created a circle around O'Creene with a small distance away from him. While I was creating distance, I recall hearing other taser deployments however, I was unsure which officers had deployed their tasers. O'Creene continued walking towards and charging towards the officer's direction. Officers on scene were eventually able to get to one side where O'Creene began walking towards OIT Baptiste. OIT [Baptiste] appeared to be struggling with his equipment and became off balance. I feared that O'Creene with his knife in hand would make contact with OIT Baptiste, because OIT Baptiste seemed to step off balance, O'Creene was very close to him. [With] my department issued Sig Sauer P320 still drawn I closed the gap and ran towards O'Creene. I continued ordering O'Creene to drop the knife, however, he continued walking towards different officers including myself. Officer Palhete discharged his department issued Sig Sauer P320. It appeared to have struck him as it seemed he paused for a moment. O'Creene then continued by walking at OIT Baptiste with the knife where I then discharged my department issued firearm at O'Creene. O'Creene appears to now stop, drops the knife, and begins walking slowly. I advised Naugatuck Police Dispatch of the shots fired. I continued pointing my firearm directly at O'Creene. Officer Leary then approaches O'Creene and orders him to the ground. I then [h]olstered my firearm. I see the knife laying in the grass. O'Creene then lays on the ground where officers began providing lifesaving measures.

"Officer Palhete then relocated the patrol vehicle to the parking lot of Baummer Pond. I observed O'Creene to be bleeding and I recall O'Creene saying something along the lines of him not wanting to die. Sergeant McMasters arrived on scene and advised me to stay in the parking lot as other officers were providing medical care to O'Creene.

"The scene was then secured where I was then transported to St. Mary's Hospital by Officer Robinson."

Officer Joseph Palhete

On May 30, 2024, Officer Joseph Palhete provided the following sworn written statement to an inspector from the OIG:

"On April 25, 2024, at approximately 09:13 hours, OIT C. Hudson and I were dispatched to Baummer Pond on a report of a male party pointing a knife at people. Naugatuck Police dispatch advised that only one call was received regarding this male party. A description of this male party was provided where he was described as a white male wearing a black coat. Officer B. Hudson, Officer Leary, and OIT Baptiste were also dispatched to the scene.

"OIT C. Hudson and I arrived on scene where OIT C. Hudson parked on Mill Street directly in front of Baummer Pond facing eastbound. OIT was currently on Field Training where I was her primary Field Training Officer. OIT C. Hudson and I arrived on scene in a fully marked Naugatuck Police Patrol vehicle equipped with overhead lights and the words "Naugatuck Police" affixed to the sides of the patrol vehicle.

"Upon OIT C. Hudson parking the cruiser, I observed a male party sitting at a bench close to the actual pond where this male party was later identified as Kyle O'Creene. At the same time, I observed another party walking by O'Creene as it appeared they were utilizing the track. Upon initial arrival I observed O'Creene notice the patrol vehicle and immediately look away. O'Creene fit the description that was provided by Naugatuck Police [Dispatch]. OIT C. Hudson and I had exited our patrol vehicle equipped with the standard Naugatuck Police uniform and equipment as we were easily identifiable as police officers. Upon approaching O'Creene I observed other patrol vehicles entering the parking lot of Baummer Pond where I radioed in advising them that I believe O'Creene was the male party we were looking for. I advised OIT C. Hudson to make initial contact with O'Creene. While approaching O'Creene I addressed him where he immediately stood up where I requested him to sit down however, he refused by saying "NO." I then observed O'Creene remove what appeared to be a knife from the right side of his coat. I ordered O'Creene to put the knife down where he immediately responded by saying "no."

"O'Creene then began walking towards myself and OIT C. Hudson where I then unholstered by department issued Axon Taser 7 directly at O'Creene. I gave several more commands to drop the knife where again he refused. I advised O'Creene that he would be tased where I then shouted "Taser. Taser, Taser" and deployed my taser directly at O'Creene. O'Creene did not react to the taser where I observed him lift the knife and immediately cut the taser wires. At this time, I observed one prong to have contacted O'Creene's chest. It appeared at this time O'Creene was wearing layers of clothing. I then discharged my second taser cartridge directly at O'Creene where again it did not have any effect. I then advised other officers on scene to get distance from O'Creene. [I] continued to order O'Creene to drop the knife where he did not comply.

"I observed O'Creene still holding this knife with his right hand and begin to walk at and charge at officers. It was apparent O'Creene was not going to comply with any verbal commands. Officers had created a circle around O'Creene with a small distance away from him. While I was creating distance, I recall hearing other taser deployments however, I was unsure

which officers had deployed their tasers. O'Creene continued walking towards and charging towards the officer's direction. Officers on scene were eventually able to get to one side where O'Creene began walking towards Officer Leary and OIT Baptiste. I then drew my department issued firearm (Sig Sauer P320 9mm) in the direction of O'Creene as he began walking towards me and Officer Baptiste. I continued ordering O'Creene to drop the knife, however, he continued walking towards me and OIT Baptiste. At this time, I discharged my firearm directly at O'Creene where it appeared to have struck him as it seemed he paused for a moment. O'Creene then began walking towards OIT Baptiste where I then heard a firearm discharge where OIT C. Hudson discharged her firearm at O'Creene. O'Creene appears to now stop, drops the knife, and begins walking slowly. I continued pointing my firearm directly at O'Creene. Officer Leary then approaches O'Creene and orders him to the ground. O'Creene then lays on the ground where officers began providing lifesaving measures. I advised Naugatuck Police Dispatch of the shots fired and requested emergency medical services.

"I then relocated my patrol vehicle to the parking lot of Baummer Pond. I grabbed the AED and responded back to where O'Creene was located. I provided officers with scissors to assist with cutting O'Creene's clothing to expose the wounds sustained from the bullet(s). I observed O'Creene to be bleeding and I recall O'Creene saying something along the lines of him not wanting to die. Sergeant McMasters arrived on scene and advised me to stay in the parking lot as other officers were providing medical care to O'Creene.

"I recall other parkgoers in the area at the time of the incident. The scene was then secured where I was then transported to St. Mary's Hospital by Detective Moutela and OIT C. Hudson was also transported to St. Mary's Hospital by Officer Robinson for an evaluation."

Kyle O'Creene

On April 26, 2024, after being informed of his *Miranda* rights and agreeing to waive them, Kyle O'Creene was interviewed by two inspectors from the OIG at Waterbury Hospital. The interview was recorded on the body worn camera of one of the inspectors.

[Click [here](#) to hear interview]

It may be summarized as follows: O'Creene admitted that he called 911 and told police that "there was a person at the pond, a white guy, wearing a black jacket who was pointing a knife at people." O'Creene indicated that he made the 911 call to the police because he wanted the police to kill him. O'Creene represented that he had no intentions of hurting the police officers with the knife, but he purposely charged at them so that he could "force their hand to shoot at me." O'Creene told the inspectors that he wanted to die because he felt like he was

useless in life. O'Creene also disclosed that he did not have a purpose in life or a goal and that he lives with his father and "leeches" off of him.

O'Creene stated that when the police arrived at the scene, he pulled out the knife he was carrying and started chasing after one of the cops with the knife. O'Creene did remember getting tased a few times but stated he "powered" through it hoping that the cops would "swap to their actual guns." O'Creene admitted that he heard the officers' commands to drop the knife and to stop running, but he purposely disregarded those commands because he wanted the officers to "kill" him. O'Creene stated that for years he just wanted to die and that his actions were not "spur of the moment." O'Creene further admitted that he was too much of a "coward" to kill himself, so he wanted the police to do it.

Civilian Witness #1

Witness #1 saw the incident from a short distance away. She stated to a Naugatuck detective at the scene that she heard the police officers repeatedly asking the man to put the knife down. She also indicated that she saw the officers tase the man, but he kept brushing the Tasers off. She then stated that she observed the man charge at the officers, who then shot him a few times.

Scene

Primary Scene

Detectives from the Connecticut State Police Central District Major Crime Squad arrived shortly after the shooting and processed the scene. The primary scene was determined to be a grassy area of the park immediately adjacent to the pond and a parking lot. The scene is bounded by the pond, a walking path that runs along the pond, a small parking lot, and Mill Street.



Detectives observed various items of evidence in the area inside the crime scene tape depicted in the photograph above. Three shell casings were located, photographed and collected. (Evidence markers ## 10-12).



Additionally, Taser probes and wires were located and collected from this area. (See, e.g., photo below with Evidence marker 23)



A large kitchen knife was also found, photographed and collected from this area. (Evidence marker #20) The blade of the knife is fourteen inches long.



Detectives also observed and collected various items of bloody clothing and medical equipment used to provide emergency medical intervention for O’Creene.

Secondary Scene

After the shooting, an inspector from the OIG went to O’Creene’s residence at 99-3 Ridge Road, Naugatuck. At the residence, a note was found next to the computer often used by O’Creene. The note simply stated: “Sorry.” The inspector also located a knife block set in the kitchen of the residence that had one knife missing. The knives were similar in appearance to the knife found at the scene of the incident.



Digital Evidence

The shooting was captured on the body worn cameras of the officers who initially responded to the scene.

Officer Palhete's BWC

Officer Palhete's BWC video shows that he and Officer Crystal Hudson were the first officers to arrive at the scene. A pedestrian, later identified as Witness #1, can be seen walking on the paved walkway close to the pond. Palhete walks toward O'Creene, who is sitting at a picnic table near the pond's edge. Officer C. Hudson appears in the video and asks O'Creene how he is doing. O'Creene is wearing a dark jacket consistent with the information Palhete received from dispatch.

Officer C. Hudson remains approximately twenty-five feet from O'Creene who then stands up. Officer Palhete asks O'Creene to "sit down real quick," but O'Creene responds "no" and takes a knife out of the right pocket of his jacket. Officer Palhete orders O'Creene to put the knife down. When O'Creene fails to comply and starts walking towards him, Officer Palhete draws his taser and warns O'Creene that he is going to tase him. He then yells "Taser, Taser, Taser" and deploys his Taser twice, both of which were ineffective.

At this point, three other officers who arrived at the scene appear on the video as they approach O'Creene from his right side. Officer Palhete warns those officers to keep their distance and about the risk of crossfire.

Officer Baptiste is depicted on the video flanking O'Creene, but O'Creene then begins chasing Baptiste while he attempts to retreat. O'Creene then moves towards Office Palhete. Palhete then draws his service weapon, while continuing to order O'Creene to put the knife down. When O'Creene fails to comply, Palhete fires two shots at O'Creene who staggers, but then moves again toward Officer Baptiste. At that time, Officer Baptiste had retreated almost to the edge of Mill Street where a red SUV was passing, thereby potentially limiting his avenues of retreat. Officer Baptiste did not discharge his firearm. Another gunshot can then be heard. Shortly thereafter, O'Creene drops the knife and falls to the ground.

[Click [here](#) to review Officer Palhete's BWC video]

Officer Crystal Hudson's BWC

Officer Hudson's BWC video shows that she arrived with Officer Palhete and walked towards O'Creene, who was sitting at the picnic table. She asks him how he is doing. O'Creene stands up and removes a knife from his pocket. When O'Creene begins to walk towards Palhete,

Hudson draws her service weapon at the same time Palhete is attempting to tase O'Creene. Hudson retreats as O'Creene walks toward her and the center of the grassy area. O'Creene then begins to chase two of the other officers. Additional attempts by other officers to tase O'Creene can then be seen.

Officer Hudson begins to walk backwards again as O'Creene begins to move toward her and Officer Palhete. Palhete can be seen in front and to the left of Hudson's position. After Palhete fires two shots at O'Creene, O'Creene then begins to move toward Officer Baptiste. At this point, Officer Hudson then fires once at O'Creene, who, after taking a few additional steps, drops the knife and subsequently falls on the ground.

[Click [here](#) to view Officer Hudson's BWC video]

Officer Brandon Hudson's BWC⁶

Officer Brandon Hudson's BWC video shows that he arrived at the scene just as Officer Crystal Hudson and Officer Palhete initially approached O'Creene. Shortly thereafter, O'Creene began to walk towards Officer B. Hudson, who then deployed his taser. This Taser strike was also ineffective. At various times, the view from his BWC is obscured by his hand. Officer B. Hudson did not fire any gunshots.

[Click [here](#) to view Officer B. Hudson's BWC video]

Officer Matthew Baptiste's BWC

Officer Matthew Baptiste's BWC video shows that he arrived at the scene along with Officer B. Hudson. As O'Creene began to walk towards Officers Palhete and C. Hudson, Officer Baptiste drew his Taser. Shortly thereafter, O'Creene charged directly at Officer Baptiste and closed the distance to approximately five feet. Officer Baptiste switched his Taser to his left hand and drew his service firearm. O'Creene continued to charge at Officer Baptiste, but Baptiste attempted to maintain distance between himself and O'Creene. After Officer Palhete shot O'Creene twice, O'Creene continued to move towards Baptiste until Officer C. Hudson shot O'Creene.

[Click [here](#) to view Officer Baptiste's BWC video]

⁶ At the time of the incident, Officer Crystal Hudson and Officer Brandon Hudson were brother and sister in-laws.

Officer Colin Leary's BWC

Officer Colin Leary's BWC video shows him arriving at the scene just before O'Creene is first struck by Officer Palhete's Taser. Officer Leary walks closer to Officers Palhete and C. Hudson. When O'Creene begins to chase Officer Baptiste, Leary deploys his Taser but the strike on O'Creene is ineffective. After O'Creene falls to the ground, Officer O'Leary was the first officer to render him medical assistance. O'Creene can be heard clearly stating on Officer Leary's BWC "why didn't you kill me" and "I want to die."

[Click [here](#) to view Officer Leary's BWC video.]

The only other arguably relevant video of the incident was recorded by an unknown individual from across the pond. This video was later posted by someone on the internet and obtained by the Naugatuck Police Department. In the video, significant portions of the incident are obscured by vegetation and the video does not appear to have further evidentiary value when measured against the quality of the officer's BWC video.

911 Recording

In his 911 call to the police, O'Creene states that there is a white male with short hair and a dark jacket who is pointing a knife at people at Baummer's Pond Park. The 911 caller identifies himself as "Kyle."

[Click [here](#) to listen to the 911 audio recording]

Hospital Records

Pursuant to a search and seizure warrant, the medical records of O'Creene were obtained from Waterbury Hospital. Those records indicate that O'Creene suffered four gunshot wounds, although at least one bullet likely caused two of the wounds. Specifically, O'Creene had gunshot wounds to his right bicep, left thigh, right thigh and the left side of his chest. Fortunately, none of these wounds alone, or in concert, were fatal. Toxicology results were negative for alcohol or illegal substances.

Firearms and Taser Evidence

The Central District Major Crime Squad conducted a firearm and Taser survey of the department-issued equipment that was seized from the officers who were present at the scene at the time of the shooting.

Officer Palhete carried a Sig Sauer, model P320, 9mm pistol (serial number 58J079784). This weapon had a firing capacity of eighteen rounds, seventeen in the magazine and one in the chamber. At the time of the survey, the pistol had fifteen rounds in the magazine and one in the chamber. This inventory is consistent with the conclusion that Palhete fired two rounds during the incident.

A forensic examination of the weapon revealed that Officer Palhete's weapon was operable and functioning normally. A ballistic microscopic comparison of two spent shell casings (documented by evidence markers ##s 11 and 12) show that they were fired from the same weapon. Comparison of the shell casing documented as #11 with a shell casing obtained by test firing the weapon indicates that the shell casing (#11) was ejected from Officer Palhete's firearm. Accordingly, all of the evidence supports the conclusion that Officer Palhete fired two shots during the incident.

Officer C. Hudson carried a Sig Sauer, model P320, 9mm pistol (serial #58J453167). This weapon had a firing capacity of eighteen rounds, seventeen in the magazine and one in the chamber. At the time of the survey, the pistol had sixteen rounds in the magazine and one in the chamber. This inventory is consistent with the conclusion that C. Hudson fired one round during the incident.

A forensic examination of the weapon revealed that Officer C. Hudson's weapon was operable and functioning normally. A ballistic microscopic comparison of a spent shell casing recovered at the scene (documented by evidence marker #10) with a shell casing obtained by test firing the weapon indicates that the shell casing (#11) was ejected from Officer C. Hudson's firearm. Accordingly, all of the evidence is consistent with the conclusion that C. Hudson fired one shot during the incident.

The inventory of the service firearms and ammunition magazines seized from the other initial responding officers indicate that none of them discharged their firearms.

The Tasers assigned to the initial responding officers were inventoried, collected and forensically examined. This examination shows that, during the incident, Officer B. Hudson deployed his Taser once and that Officers Palhete and Leary each deployed his respective Taser twice. Officers C. Hudson and Baptiste did not deploy their Tasers during the incident.

FINDINGS

The investigation supports the following findings of material fact:

1. On April 25, 2024, Kyle O'Creene was in a severely depressed state. He called 911 at 9:12 a.m. from Baummer's Pond Park to lure Naugatuck police officers to that location so that he could commit "suicide by cop." He told the 911 dispatcher that there was an individual matching his description pointing a knife at people in the park.
2. The Naugatuck Police Department dispatched a total of five officers to the park. Upon arrival at the park, Officers Palhete and C. Hudson approached O'Creene who was sitting at a picnic table near the edge of the pond. O'Creene pulled a knife from his jacket pocket and refused to comply with the officers' demand that he sit down and that he drop the knife.
3. O'Creene walked towards the officers and again did not comply with their demands to drop the knife. The officers attempted to maintain their distance from O'Creene by walking backwards. Officer Palhete warned O'Creene that he was going to tase him. He deployed his Taser twice but both deployments were ineffective and O'Creene continued to advance on officers with his knife.
4. Officers B. Hudson, Leary and Baptiste, all of whom had been dispatched to the scene, attempted to form a semi-circle around O'Creene while maintaining their distance from him.
5. O'Creene continued to move towards the various officers and subsequently charged or ran at them while holding the knife.
6. The officers subsequently deployed their Taser three additional times, but these attempts to use non-lethal force were unsuccessful in obtaining compliance with their demands that he drop the knife.
7. Officer Palhete then fired two rounds from his service firearm, both of which struck O'Creene, but O'Creene still did not stop his advance towards Officer Baptiste.
8. Officer C. Hudson then fired one round from her service firearm. That round struck O'Creene, which finally caused O'Creene to drop the knife and then fall wounded to the ground.
9. The officers immediately provided lifesaving medical aid to O'Creene. O'Creene did not die from his gunshot wounds.
10. On March 28, 2025, in Waterbury Superior Court, O'Creene plead guilty to three counts of criminal attempt to commit assault on a public safety officer in violation of General Statutes §53a-167c.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on April 25, 2024, provides in relevant part:

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

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

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

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

The statute further provides:

"For the purpose of evaluating whether the actions of a peace officer . . . are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to, whether (A) the person upon whom deadly force was used possessed or appeared to possess a deadly weapon, (B) the peace officer . . . engaged in reasonable de-escalation measures prior to using deadly physical force, and (C) any unreasonable conduct of the peace officer . . . led to an increased risk of an occurrence of the situation that precipitated the use of force." §53a-22(c)(2).

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

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

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

ANALYSIS

In the present case, Officer Palhete used deadly physical force against Kyle O’Creene because he honestly and subjectively believed that he and the other initial responding officers faced the imminent use of deadly physical force against them. This belief was objectively reasonable under the totality of the circumstances because a reasonably trained police officer would have believed that firing his weapon was necessary to stop Kyle O’Creene from advancing on his fellow officers with a deadly weapon, a large kitchen knife.

Officer C. Hudson used deadly physical force because she honestly and subjectively believed that she and other initial responding officers faced the imminent use of deadly physical force. Her belief was objectively reasonable under the totality of the circumstances because a

reasonably trained police officer would have believed that firing her weapon was necessary to stop Kyle O'Creene from advancing on her fellow officers with the knife. Even after Officer Palhete shot O'Creene twice, he continued to move towards Officer Baptiste who had been retreating backwards and was just a few feet from Mill Street where a car was driving by. In fact, it was not until Officer C. Hudson fired that O'Creene finally dropped his knife.

There can be no dispute that O'Creene, who was suicidal, endeavored to make the officers believe that he posed a risk of deadly harm to them. He repeatedly moved towards the officers with a deadly weapon. He disregarded all the officers' requests to drop the weapon. It was reasonable to infer that O'Creene was not going to cease his threatening behavior until one of the officers shot him. Because of the rapidity of the encounter, there was no opportunity for the officers to engage in any significant de-escalation measures. Indeed, the entire incident from when Officers Palhete and C. Hudson first spoke to O'Creene to the moment Officer C. Hudson needed to discharge her firearm lasted about sixty seconds. Additionally, the officers attempted to create distance from O'Creene, and then they used non-deadly physical on him by deploying their Tasers five times without success. Accordingly, it was reasonable for Officers Palhete and C. Hudson to conclude that O'Creene was not going to stop until he harmed one of them.

Finally, it is important to note that the physical characteristics of the scene and the rapidity of the encounter were not particularly conducive to an attempt by the officers to establish greater distance and cover from O'Creene to interact with him. Indeed, Officer Baptiste was almost forced to retreat onto Mill Street where there was moving traffic that placed him at risk of being struck by a vehicle. In the end, O'Creene repeatedly charged the officers with a deadly weapon, and it was objectively reasonable, given the risks, for Officers Palhete and Crystal Hudson to use deadly physical force to stop the threat.

CONCLUSION

Under the totality of the circumstances, I therefore conclude that the use of deadly physical force by Officers Palhete and Crystal Hudson was justified under Connecticut law. Accordingly, my office will take no further action on this matter.

July 29, 2025



ELIOT D. PRESCOTT
INSPECTOR GENERAL