

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the Manchester Police Department
on July 16, 2023

Robert J. Devlin, Jr.
Inspector General

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Acknowledgements

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

*Department of Emergency Services and Public Protection, Connecticut State Police
Eastern District Major Crime Squad*

Manchester Police Department

Hartford Judicial District State's Attorney Sharmese L. Walcott

INTRODUCTION

On July 16, 2023, at approximately 6:35 p.m., in a grass courtyard outside of 243 North Main Street, Apartment A, Manchester, Connecticut, Officer Haylee Ouellette¹ fired multiple shots from her department-issued handgun striking and wounding Joseph Diloreto². As required by statute³, the Office of Inspector General (OIG) investigated this incident. The results of that investigation are contained in this report.

In summary, the investigation establishes that, pursuant to a 911 call, the Manchester Police Department dispatched Officer Ouellette to 243A North Main Street on a report of a possible domestic disturbance. Upon arrival, Officer Ouellette heard yelling coming from the apartment. When she stepped inside to investigate, Officer Ouellette encountered Joseph Diloreto. Diloreto, who was in a highly agitated state, advanced toward Officer Ouellette threatening to kill her. She backed out of the apartment onto a grassy area outside. She also observed Diloreto to be holding a knife. He ignored multiple commands to drop the knife and continued to advance on Officer Ouellette. After a taser deployment was unsuccessful, and Diloreto continued to advance holding the knife, Officer Ouelette fired multiple rounds from her handgun. One shot hit Diloreto in the upper left leg.

Based on the facts developed during the investigation, I have determined that Officer Ouellette used deadly force to defend herself from what she reasonably believed to be the threat of serious injury of death. Accordingly, I find such use of force to be objectively reasonable and justified.

INVESTIGATION

911 Call

On July 16, 2023, at approximately 6:35 p.m., the Manchester 911 operator received the following 911 call.

Manchester 911 Operator = Opr

¹ On July 16, 2023, Officer Haylee Ouellette was a 28-year-old Caucasian female. She had been a Manchester police officer for 4 years and had no relevant disciplinary history.

² On July 16, 2023, Joseph Diloreto was a 58-year-old Caucasian male.

³ 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."

Sharon Finnegan = SF

Note: Throughout the call Joseph Diloreto is heard yelling unintelligibly in the background

Opr: Manchester 911. What is your emergency?

SF: Ah ... I have ... my best friend is losing his mother, and he is out of his mind.

Opr: What is the address of your emergency?

SF: 243 Apartment A. It's just a different circumstance.

Opr: Okay. What is the street though; you didn't give me your street name.

SF: Ah, North Main Street?

Opr: Are you sure?

(Yelling)

SF: 243 Apartment A ...

Opr: Why is he yelling in the background?

(Yelling)

SF: Because he's asking for help. He's sort of not being able to deal with it ... his mother.

(Yelling)

Opr: Okay. Is he drunk?

SF: Um, ah, well he's gotta ... I just got released.

Opr: Okay.

SF: And now ...

(Yelling)

Opr: Has he been drinking?

SF: Ah ... a little bit ... I don't know. You just gotta take his vitals.

(Yelling)

Opr: So, what does he need help for?

SF: Ah ... he's losing his mom, and he can't handle it and he's looking to argue and fight with somebody.

Opr: Okay. He's having some mental health issues too?

SF: Yes.

Opr: Okay. And he's arguing with you?

(Yelling)

SF: I just lost my brother.

Opr: Listen, is he arguing with you?

(Yelling)

SF: Yes, yes.

Opr: Alright (unintelligible) ... Can you step away from him?

(Yelling)

SF: I'm trying ...

Opr: Because I can't hear you with him screaming in the background.

SF: I know. I know, it's hard ... get them here 243 apartment ...

Opr: Could you step out of the room?

SF: North Main Street. I'm here. That's all I can tell you.

Opr: Okay. Can you step out ...

(Yelling)

SF: (Unintelligible)

Opr: Can you step out of the room so I can hear you. So I can ask you some more questions.

SF: Okay. He's following me.

Opr: Okay. Can you step out of the apartment?

(Yelling)

SF: Ah ... I ...

Opr: Okay. What's his name?

SF: Joseph Diloreto ...

Opr: What's his first name?

SF: his mother is ...

Opr: I don't need to know his mother's name; what's his name?

SF: Joe Diloreto.

Opr: Okay Joseph. Do you know his date of birth or age?

SF: Ah ... he's the same age as me.

Opr: How old are you then?

SF: I'm 58. He was born in December ... thirty first.

Opr: Is his mother there?

SF: I've known him for a long time. His mother is in the hospital.

Opr: Okay. Why is he screaming about her, if she's not there.

SF: Because he ... they won't let him go to the hospital.

Opr: Alright. What kind of mental health issues does he have?

SF: I don't know. That's up to you guys, okay.

Opr: Uh, no.

SF: I have my own problems ... I just lost my brother.

Opr: Is your name Sharon?

SF: Yes.

Opr: Okay Sharon ...

SF: I just lost my brother ...

Opr: You know him. What kind of mental health issues does he have? If you're letting him stay in your apartment, you must know ...

SF: All I know is that we used to love each other years ago and ...

Opr: Okay. What kind of mental health issues does he have?

SF: I don't know.

Opr: Does he have any weapons?

SF: No.

Opr: Okay. The officers will be right with you, okay?

SF: Thank you.

Opr: Alright.

End of Call.

To review a recording of this 911 call, click [here](#).

Based on this call, Officer Haylee Ouellette was dispatched to 243A North Main Street, Manchester.

Statements / Reports

Officer Haylee Ouellette

Officer Ouellette was dispatched to 243A North Main Street on a report of a possible domestic disturbance. Dispatch advised her that (1) the call was a Code 1 indicating that it was a nonemergency response, (2) there was a history of mental health issues at the residence, and (3) the midnight shift had responded to the location the previous night on a separate dispute.

As Officer Ouellette approached the front door of the apartment, she heard a male voice yelling. The front door itself was open but the storm door was closed. From outside, Officer Ouellette saw a male and female yelling back and forth. She said, "Hey." The male responded, "Come here, come inside." Officer Ouellette stepped inside the apartment. She asked what was happening and why there was yelling. In response the male (later identified as Joseph Diloreto) called Officer Ouellette a "bitch." He then stood up from his seat and approached Officer Ouellette while yelling. He was in a highly agitated state. Diloreto advanced to a point two to three feet from Officer Ouellette yelling that he was going to kill the officer and to "shut up bitch."

Officer Ouellette could see that Diloreto was holding something in his hand but could not initially identify it. Soon, however, she saw that he was holding a knife. Officer Ouellette gave Diloreto commands to stop and warned him that he would be tased. He became more aggressive and belligerent.

The report continues:

"I continued to take steps backwards toward the front door of the apartment to create distance between me and the male, but he continued to advance toward me. At this moment, I unholstered and activated my less lethal department-issued taser. I pointed the laser/LED light of the taser in the direction of the male and gave him commands to stop or I would tase him. He ignored my warnings and continued to aggressively advance toward me. I again told him to stop, or he would be tased. The male did not obey any of my commands and repeatedly said 'shoot me.' I then discharged my taser. The taser was ineffective as the male jumped out of the direction of the prongs. I notified dispatch that I deployed my taser. By now, I could clearly identify the object in the male's right hand as a knife and I told him to put it down. The knife appeared to be silver in color and about 6–8 inches in length. I notified dispatch that the male had a knife as I retreated out of the apartment toward the courtyard to create additional distance between us.

"I immediately re-holstered my taser with the deployed cartridge and un-holstered my department issued handgun since the male was wielding a knife. The male charged at me with the knife and then retreated back into the apartment slamming the solid door several times as I gave the male commands to put down the knife. The male then continued to erratically open and close the apartment door. He continued this behavior until he stood at the threshold of the door and stated that 'I'll come after you right now.' I held my firearm in my right hand and continued to point it in the male's direction warning him to put the knife down or get shot. I kept demanding he put the knife down and he could clearly see I had my service weapon aimed at him. I communicated on the radio that I had him at gunpoint and that the male still had control of the knife. The male then exited the apartment and charged at me through the courtyard with the knife in hand in a threatening and hostile manor [sic] as I backed up. I continued to point my firearm at the male and gave him several commands to drop the knife or he would be shot. I continued to back up with the gun aimed on him hoping he would stop and drop the knife. The male refused all of my commands and continued to close the distance between us while aggressively holding the knife. I finally discharged my firearm with my right hand several times at the male while I continued to retreat backwards. I simultaneously utilized my left hand to transmit on the radio that several shots were fired. The male continued to come at me with the weapon in his hand. I acquired a grip on my firearm with both hands. I continued to discharge my firearm at the male, fearing he was actively trying to kill me. During the incident the male shouted 'hit me' several times. The male eventually collapsed on the ground, and I transmitted on the radio that there were 'shots fired, multiple shots fired.' I discharged approximately 8 rounds from my firearm."

Officer Ouellette's pistol had malfunctioned and was locked back. She saw the knife on the ground and tossed it out of the reach of Diloreto. She also requested medical assistance. Officer Ryan Karabetsos arrived and provided first aid to Diloreto who appeared to have sustained a gunshot wound to his leg. Other officers soon arrived and took over the scene.

At the time of this incident, Officer Ouellette was wearing a body-worn camera (BWC). To review the relevant portion of her BWC recording, click [here](#).

Luz Ortiz

Luz Ortiz, who resided at 243 North Main Street, Apartment D, told Manchester Officer Johan Calderon that she had witnessed the incident. She gave the following statement:

"I, Luz Ortiz, give this signed sworn statement to Officer Calderon, on my own free will without any threats or promises made to me. Today, I was inside my apartment with my daughter when I heard yelling outside saying something to the effect of 'drop the knife.' I came outside which is when I saw a male walking towards a female officer. I was able to see wires from what appeared to be a taser, and then I saw her pointing either a taser or a gun at the male. The

female Officer kept walking backwards as the male kept walking towards her. I then heard what appeared to be 6 shots and I was able to see dirt being lifted from the ground. I believe it was the 6th shot that struck the male in the leg. The female Officer then began grabbing her head and stated, 'O my God.' She proceeded to call for back up and other Officers showed up."

Joseph Diloreto

On July 16, 2023, at approximately 9:15 p.m., OIG inspectors interviewed Joseph Diloreto at Hartford Hospital. Diloreto was there to be treated for the gunshot wound to his leg. The interview lasted approximately eighteen minutes.

In a rambling fashion, Diloreto stated several times that he was at the apartment of his friend, Sharon, and when he walked out the door of the apartment, an officer was out there. The officer said something like, "What's going on", and he was shot. After being shot, he fell and was handcuffed. Diloreto stated that he was scared, blacked out, and woke up in the hospital.

Diloreto denied making any threats and denied possessing any weapons.

Diloreto stated that he had been at Sharon's apartment for two days. He was there to give her moral support because her brother had died in a car accident two weeks before. On Saturday night, she had been drinking and called the police for "some stupid shit." The police came and took Sharon to Hartford Hospital. They left him at the apartment. Sharon returned from the hospital at 1:45 p.m. on Sunday. They watched a tennis match, listened to a little music and were sitting back. Diloreto stated, "Next thing you know I went out there and I was shot for no reason."

Diloreto did not believe that either he or Sharon had called the police. He stated that the police gave him no commands, and that he would have listened to commands had they been given.

The interview concluded with Diloreto asking questions about why he was in handcuffs and what he had been arrested for. The OIG inspectors advised him to address those questions to the Manchester police.

Medical Records

From the scene, Diloreto was transported to Hartford Hospital where he was admitted on July 16, 2023. He initially presented at the hospital intoxicated with a gunshot wound to his left thigh. A CT-scan of the leg showed no vascular injuries and no active extravasation (bleeding into the tissue). An X-Ray showed bullet fragments in his left thigh. Diloreto's

toxicological screen was positive for cocaine, fentanyl, and alcohol. His alcohol level was 319 mg/dL (approximately .319 BAC) on admission. A compression dressing and ACE wrap was applied to the left thigh. He was thereafter monitored.

Diloreto was discharged from the hospital on July 18, 2023.

Scene

Eastern District Major Crime Squad (EDMCS) detectives determined the scene to be the sidewalk and courtyard outside and south of 243A North Main Street, Manchester. Detectives observed taser wire both inside and outside the apartment. In the courtyard south of 243A, detectives recovered six shell casings. A taser prong was located in the same area.

On the exterior front outside wall of the apartment, detectives observed three defects in the lower two panels of the siding. Defects were also observed on the surface of the concrete front door landing, on a brick partition wall to the left of the front door, and in the landscape timber parallel to the front of the building. These defects were believed to be caused by bullet strikes.

EDMCS detectives documented the scene photographically.





[Apartment 243A]



[Bullet defects in siding of apartment]



[Bullet defect in brick wall]



[Bullet defect in concrete front stoop]



[Bullet defect in concrete front stoop]



[Bullet defects in landscape timber]



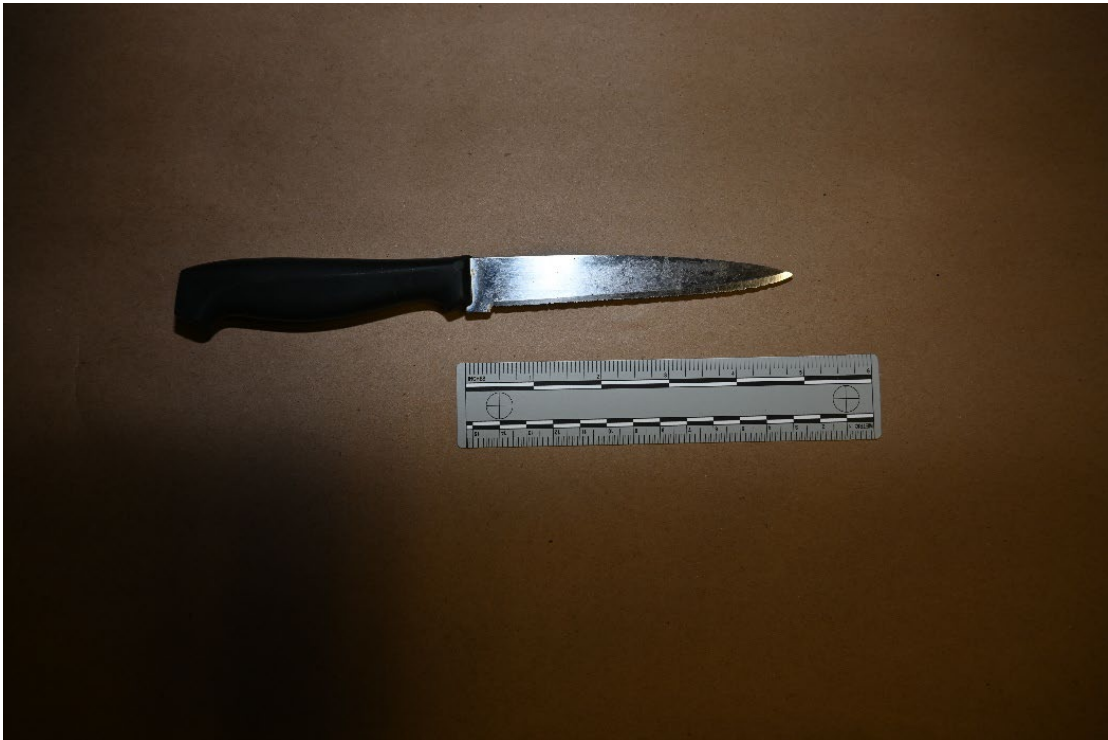
[Bullet defect in landscape timber]



[Second bullet defect in landscape timber]



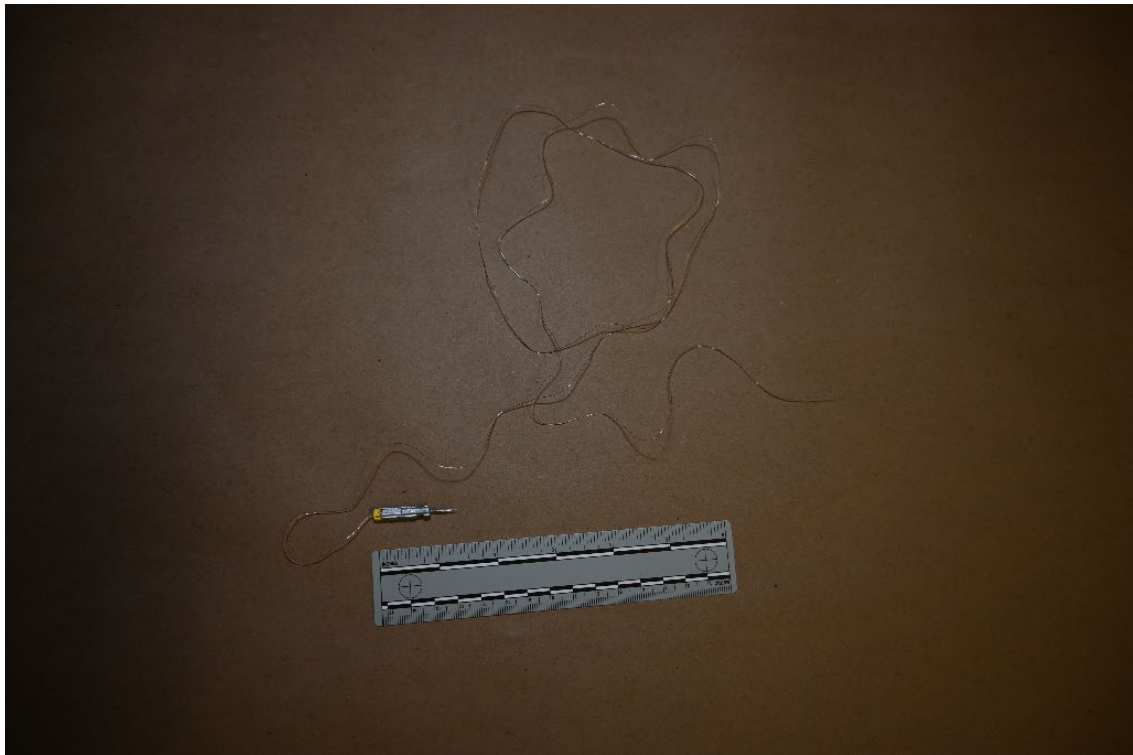
[Knife on the ground]



[Evidence 1 Knife]



[Taser wire in apartment]



[Taser probe with wire]



[Shell casing]



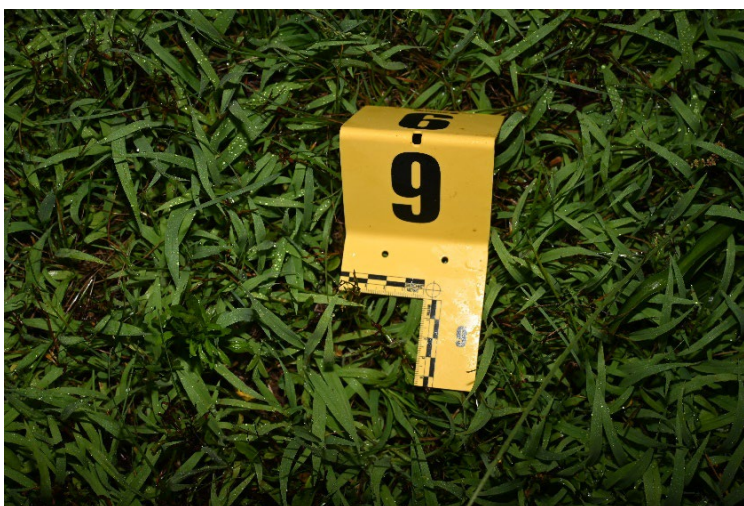
[Shell casing]



[Shell casing]



[Shell casing]



[Shell casing]



[Shell casing]

Detectives examined Officer Ouellette's department-issued Glock, model 21, .45 caliber handgun. If fully loaded, the firearm had a capacity of fourteen cartridges (13 + 1). There were six cartridges in the weapon when examined. The chamber was empty, and the slide jammed. Although the Firearm Survey Report on the Glock indicated that the number of cartridges fires was "undetermined", the weapon was eight cartridges short of being fully loaded. This is consistent with Officer Ouellette's statement that she believed that she fired eight rounds.

FINDINGS

1. On July 16, 2023, at approximately 6:35 p.m., Sharon Finnegan called the Manchester 911 operator seeking help for her friend, Joseph Diloreto. Finnegan described Diloreto as "out of his mind" over his mother's illness.
2. Based on the 911 call, Manchester Police Officer Haylee Ouellette was dispatched to 243A North Main Street, Manchester on a report of a possible domestic dispute.
3. Upon approaching the apartment, Officer Ouellette could hear a male and female voice arguing. When Officer Ouellette said, "Hey," the male voice responded for her to come inside the apartment.
4. Once inside the male (later identified as Joseph Diloreto) stood up and called Officer Ouellette a "bitch." Diloreto was in a highly agitated state.
5. Diloreto advanced toward Officer Ouellette yelling that he was going to kill her. Diloreto was holding an object in his hand that Officer Ouellette later determined to be a knife.
6. Officer Ouellette warned Diloreto to stop, or he would be tased. Diloreto continued to advance toward Officer Ouellette who was now backing up toward the front door. Officer Ouellette discharged her taser, but it was ineffective.
7. Officer Ouellette backed out of the apartment onto a grass courtyard. Diloreto charged outside with the knife in his hand and then went back into the apartment. He then opened and closed the apartment door several times. Diloreto then exited the apartment and advanced toward Officer Ouellette who warned him several times to drop the knife, or he would be shot.
8. Diloreto ignored these commands. As he closed the distance between himself and Officer Ouellette, she discharged her department-issued firearm several times. One shot struck Diloreto in the left leg and he collapsed.

9. Manchester officers provided aid to Diloreto at the scene, and he was taken to Hartford Hospital for treatment. He was admitted to the hospital on the evening of July 16, 2023, and discharged around noon on July 18, 2023. Imaging revealed bullet fragments in his left thigh but no vascular injuries. His toxicological screen was positive for cocaine and fentanyl. His alcohol level was 319 mg/dL on admission.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on July 16, 2023, in relevant part, provides:

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

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

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

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 conduct of the peace officer ... led to an increased risk of an occurrence of the situation that precipitated the use of force.

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, on the basis of all of the evidence, the police officer in fact honestly believed that deadly force was necessary to defend himself/herself or a third person. *Id.* If it is determined that the police officer honestly believed that deadly force was necessary, the second part of the test asks whether the police officer’s honest belief was reasonable from the perspective of a reasonable police officer in the officer’s circumstances. *Id.* at 198.

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

ANALYSIS

Officer Haylee Ouellette confronted a volatile situation when she responded to the domestic call at 243A North Main Street, Manchester. Joseph Diloreto was highly agitated and under the influence of drugs and alcohol. When Officer Ouellette entered the apartment, Diloreto immediately turned his anger on her calling her a “bitch” and threatening to kill her. He stood up and advanced toward Officer Ouellette while holding a knife.⁴

Officer Ouellette initially attempted a taser deployment that was unsuccessful. She then backed out of the apartment onto a grass courtyard. Diloreto followed and ignored Officer Ouellette’s repeated commands to stop and put down the knife. When he began to close the distance between himself and Officer Ouellette, while still holding the knife, she discharged her firearm several times, striking Diloreto once.

I have determined that Officer Ouellette’s use of deadly force was based on her belief that she faced an imminent knife attack from Diloreto. I have further determined that such belief would be shared by a reasonable police officer in the same circumstances. Accordingly, I find the use of deadly force to be objectively reasonable and justified.

⁴ I reject Diloreto’s statement to OIG inspectors that he never made any threats, never had a weapon, and was shot for no reason. Such statement is not credible and inconsistent with the camera recording and eyewitness statement.

CONCLUSION

The use of deadly force by Officer Haylee Ouellette was objectively reasonable and justified under Connecticut law. The Office of Inspector General will take no further action in this matter.

Submitted this 15th day of May 2024.

A handwritten signature in blue ink that reads "Robert J. Devlin, Jr." with a horizontal line underneath.

ROBERT J. DEVLIN, JR.

INSPECTOR GENERAL