

REPORTING OFFICER NARRATIVE

New Haven Police Department

Victim

COLE, JUSTIN PD093

Offense

SIMPLE ASSAULT

OCA

21-003481

Date / Time Reported

Fri 01/29/2021 18:27

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

On 01/29/21 at 1614 hours, Officers DeRubeis, McKernan and I were dispatched to 157 Church Street, 19th floor for an harassment complaint.

After arriving, we located both parties in the elevator area of the 19th floor. I spoke with the Vice President of Operations (identified as [REDACTED]) of the "Regus Office Space Service Provider" and she explained the following: Two days ago, she had the in-house legal team issue the other party (identified as Shawn Marshall) a letter stating that effective immediately, he's banned from the said business. Up until 01/27/21, Marshall had a service agreement with the said business to use an office space. [REDACTED] and other business officials voided that agreement due to disruptive behavior by Marshall. Marshall was seen going into other office spaces that weren't his. Marshall was very demanding of other patrons of the said business. The service agreement did not allow Marshall to use the space for any kind of living quarters.

Marshall was also standing inside the said elevator area and he explained the following: He denied ever receiving any kind of notice in regards to being banned from the said business. He also said that he never checked his email (where he was also provided notice of the immediate banning). Marshall was upset that [REDACTED] and other business officials weren't allowing him back in the said business in order to gather his belongings.

Also standing in the elevator area was the SSC regional security director, Pete Ryba. Prior to our arrival, Ryba was called by members of the said business due to Marshall refusing to leave the said business.

Ultimately, [REDACTED] agreed to allow Marshall to grab his belongings from his former office. Initially, Officer McKernan escorted Marshall to the office area to grab his belongings. Marshall was instructed that he has approximately fifteen minutes to gather his essential belongings then he must leave. Approximately twenty minutes later, Officer DeRubeis and I located Marshall with Officer McKernan. All three of us assisted Marshall in pushing two different carts/cases filled with clothes and office supplies out of the said business and into an elevator.

Approximately forty-five minutes was spent accommodating Marshall by these officers in regards to assisting him with all of his belongings.

Approximately an hour after our initial arrival, we spoke with Marshall in the lobby area of the ground floor of 157 Church Street. Marshall desired to tell us more about this incident. Before allowing him to speak, he was again told that he's banned from the 19th floor (Regus) of 157 Church Street. Marshall was instructed several times to tell us of anything criminal that may have occurred to him but he continued to speak about his plans for his business. Approximately twenty minutes was allotted to Marshall to tell us about any possible criminal wrongdoing done to him but he failed to mention any. This included him making a phone call to local Pastor Brown and having her say a prayer over the phone.

While speaking with Marshall inside the ground floor lobby, Ryba was present as well as other security guards and cleaning service personnel.

Even though I continued to instruct him that he needs to tell us about any criminal activity, he failed to do so. Marshall began to yell and scream "someone go get that white man's license". Marshall was referring to a possible involved party (which was never mentioned in any prior conversation) from the 19th floor and I told him that I will call Paitchel in order to retrieve that information. Marshall became more upset and continued to yell that the man's license must be taken. Marshall was warned about enforcement action being taken against him. I looked to Ryba and

Incident Report Additional Name List

New Haven Police Department

OCA: 21-003481

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 1	RYBA, PETER H		08/27/1958	62	W	M
Address	82 SO BEECHWOOD RD, NIAN TIC, CT 06357-		H: 203-449-7547			
Empl/Addr			B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

New Haven Police Department

Case # 21-003481

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers
MCKERNAN, A.R. (40952), MCKERNAN, A.R. (40952), COLE, J. (20), JACKSON, J.T. (352)

Suspect Hate / Bias Motivated:

NARRATIVE

REPORTING OFFICER NARRATIVE

New Haven Police Department

Victim <i>COLE, JUSTIN PD093</i>	Offense <i>SIMPLE ASSAULT</i>	OCA <i>21-003481</i> Date / Time Reported <i>Fri 01/29/2021 18:27</i>
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he said Marshall must leave the entire building. Marshall said to me that he doesn't have to leave. Marshall yelled that he will sue the city and yelled again about getting the white man's license.

As we walked Marshall back to the area of the ground floor lobby where all of his belongings were (so that he can quickly grab them and leave), Marshall said he wasn't going to leave until I got the man's license. I then withdrew my handcuffs and told Marshall to turn around so that I can place him in handcuffs. Marshall quickly ran away from me and Officers DeRubeis/McKernan. We pushed him up against the wall to be handcuffed but he swung away from us. Marshall continued to swing his arms away from us and again tried to run away. We then took Marshall to the ground. As I attempted to try and control Marshall, he violently kicked me in the area of my thighs. This action caused me to fall several feet backwards and also caused my department-issued camera to fall off of my jacket.

After kicking me, Marshall also tried to kick Officer McKernan from a ground position. Officer DeRubeis tried to handcuff Marshall but he continued to yell and kick. I noticed that Officer DeRubeis' prescription glasses had fallen off as well as his department-issued winter hat. Marshall made a spitting noise and I attempted to get my hand near his face to prevent him from doing so. Marshall continued to refuse to be handcuffed or to roll over onto his back. To try and gain control, I punched Marshall in the area of his head three times. Marshall was again instructed to give us his hands to be handcuffed or to roll over onto his back. Marshall said "I'm not resisting arrest". For several seconds, Marshall kept his hands clenched to his chest and would swing away his arms when Officer DeRubeis attempted to place him in handcuffs. Marshall then attempted to get back up on his feet and run away. I grabbed Marshall in the shoulder area and threw him back onto the ground. Officer McKernan attempted to sit on his legs to prevent him trying to flee again. Marshall continued to refuse to be handcuffed as Officer DeRubeis kept trying to place his hands in a frontal position to be cuffed. I withdrew my department-issued OC Spray and dispersed one to two bursts of it to Marshall's face. Seconds later, Officer DeRubeis and I were able to handcuff Marshall in the front area of his body.

Marshall refused to stand up. We allowed him to sit upright on the ground until AMR arrived on scene and provided medical treatment for Marshall's eyes.

Sergeant Conceicao arrived on scene.

Marshall's actions caused all three of the involved officers' body cameras to fall off. After Marshall was detained in handcuffs, all of us re-mounted our body cameras.

It should be noted that Ryba witnessed the entire physical altercation with Marshall. He desired to tell me that he saw Marshall kick me prior to me punching Marshall. Ryba also said that Pastor Brown will be retrieving all of the many belongings of Marshall.

Marshall was involved in a previous incident on 01/28/21 involving the said business. Please see New Haven Case Number 21-3309 for further details.

Subsequently, I placed Marshall under arrest for the following charges: CT Statutes #53a-167c Assault on a Police Officer, #53a-167a Interfering with an Officer, #53a-107 Criminal Trespass in the First Degree and #53a-182 Disorderly Conduct. Marshall was transported via Prisoner Conveyance Van #171 to Detention at 1 Union Avenue for processing.

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A Use of Force form will be completed for this incident.

This investigation was recorded via body camera except for the aforementioned sequence when my camera fell off.

Incident Report Suspect List

New Haven Police Department

OCA: 21-003481

1	Name (Last, First, Middle) <i>MARSHALL, SHAWN</i>					Also Known As					Home Address <i>84 HUDSON ST NEW HAVEN, CT 06511 773-807-5530</i>				
	Business Address														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>08/16/1968</i>	<i>52</i>	<i>B</i>	<i>M</i>	<i>N</i>	<i>511</i>	<i>210</i>			<i>BLK</i>						
Scars, Marks, Tattoos, or other distinguishing features															

<i>Reported Suspect Detail</i>		Suspect Age	Race	Sex	Eth	Height	Weight	SSN	
Weapon, Type	Feature	Make	Model		Color	Caliber	Dir of Travel		
Veh Yr/Make/Model		Drs	Style	Color	Lic/St	Mode of Travel			
Notes					Physical Char				

CASE SUPPLEMENTAL REPORT

Printed: 02/03/2021 11:00

New Haven Police Department

OCA: 21003481

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *ACTIVE*

Case Mng Status: *NA*

Occurred: *01/29/2021*

Offense: *SIMPLE ASSAULT*

Investigator: *MCKERNAN, ASHLEY ROSE*

Date / Time: *01/29/2021 18:27:48, Friday*

Supervisor: *ROBERTS, JOSEPH III (704)*

Supervisor Review Date / Time: *01/29/2021 22:58:46, Friday*

Contact:

Reference: *Supplement*

On 1/29/2021 at approximately 1624 hours I was dispatched to the nineteenth floor of 157 Church Street to assist Officers Cole and Derubeis on a harassment complaint. It should be noted officers were at this location yesterday for the same complainant.

Upon arrival Officers Cole and Derubeis were speaking with the subject, later identified as Shawn Marshall. Management allowed Mr. Marshall to retrieve belongings from his office, most importantly his computer, as long as he was accompanied by police and a member of staff. Mr. Marshall refused to go and get his things unless he was alone. While I was speaking with him, Mr. Marshall made many demands, and attempted to tell officers what was criminal and what was not. Multiple times Mr. Marshall interrupted officers when they attempted to explain the situation, and would talk over officers.

The main dispute between Mr. Marshall and management was over a breach of contract. Mr. Marshall informed officers the matter was entirely civil, to which I agreed. And therefore I encouraged Mr. Marshall to contact a lawyer in regards to this matter. Mr. Marshall immediately changed his stance and stated this was criminal lockout which is a criminal matter. He then corrected himself and stated this wasn't a residence and therefore that didn't necessarily apply here. Mr. Marshall continued arguing the criminality of this situation. Occasionally he would mention that the staff was harassing him.

Eventually Mr. Marshall agreed to go to his office with myself and Donna, one of the staff members. I informed Mr. Marshall this would be a property retrieval and therefore he would be allotted 15 minutes to grab his belongings. Mr. Marshall understood. We proceeded to office 1978 which was packed with clothing and suits. Mr. Marshall had been discussing a document management had sent to him. This document stated he was to immediately vacate the premises. While gathering his belongings, Mr. Marshall showed me that this document was not on his desk, underneath his clothes. He believed this meant that he had never received such notice and therefore never had to leave. I advised Mr. Marshall that he only had 15 minutes to get his belongings and should not waste such time on arguing a civil matter. Mr. Marshall grabbed a few bags of clothing and a suit jacket, and we moved onto office 1911.

In office 1911 Mr. Marshall had set up a computer and had sticky notes and pieces of paper neatly spread on the tables. Mr. Marshall packed up his computer in the computer bag he had, and insisted we take a car full of clothing of his that was in the room. Mr. Marshall did not assist in carrying most of the items and instead instructed officers to carry them for him.

It should be noted during the entire process to retrieve such items, Mr. Marshall continually talked about topics completely unrelated, including a moment we met in passing before my police interview two years ago. He went on to

Investigator Signature

Supervisor Signature

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Case Status: ACTIVE

Case Mng Status: NA

Occurred: 01/29/2021

Offense: SIMPLE ASSAULT

Investigator: MCKERNAN, ASHLEY ROSE

Date / Time: 01/29/2021 18:27:48, Friday

Supervisor: ROBERTS, JOSEPH III (704)

Supervisor Review Date / Time: 01/29/2021 22:58:46, Friday

Contact:

Reference: Supplement

tell me how he believes he should run for mayor and that Chief Reyes should be his running mate. He continually told me how important he was and how great his advice to me was the day we met. Mr. Marshall's moods would change quickly and without warning. He yelled at officers in the 19th floor lobby, then had pleasant conversation with me and allowed me to be present during the retrieval, and then became upset whenever I tried to keep him on track. Mr. Marshall continually got off track from the main focus which was retrieving his belongings.

In an attempt to complete this call and finish the issue, the officers assisted in carrying the items down to the lobby for Mr. Marshall. Once downstairs, Mr. Marshall wanted to report a harassment. He only began to report the harassment after he called Pastor Darlene Brown and had us all partake in a prayer for law enforcement. Officer Cole stated he would take Mr. Marshall's complaint, however explained that our time was limited as we had already been on this call for over an hour. He pressed that Mr. Marshall should get straight to the details of the harassment. Mr. Marshall began to tell Officer Cole about email exchanges between him and the staff, creating the contract that he eventually signed, and what he was planning to do. Mr. Marshall stressed his relationships with radio personalities, and at one point even stated he had exchanged emails with President Biden. Mr. Marshall also socialized with people passing by and staff members while officers tried to take his report. Officer Cole encouraged Mr. Marshall to get to the root of his complaint. Once Mr. Marshall finally finished his complaint, Mr. Marshall screamed at officers to get the ID of a staff member upstairs because the staff member supposedly harassed Mr. Marshall. Mr. Marshall also yelled that if he has to be embarrassed by giving his ID as a black man, then the staff member should have to give his ID as a white man. At this point Mr. Marshall was screaming and creating a public disturbance. Mr. Marshall also insisted that he be there when this staff member presents his ID. This demand was denied and officers informed Mr. Marshall that he was no longer allowed in the building and he had to leave and bring his belongings with him.

Mr. Marshall became increasingly upset and irate. Officers warned that he could be arrested if he continued this behavior. At one point Mr. Marshall said that if we were going to arrest him then we should at that moment, and put his hands out. Officers attempted to get Mr. Marshall to exit the building multiple times through polite requests. Mr. Marshall continuously disobeyed officer commands and clearly felt we could not tell him what to do.

At this point Officer Cole attempted to secure Mr. Marshall in handcuffs and advised that he was arrested. Mr. Marshall immediately panicked and jerked away from officers, trying to flee. Officers Cole and Derubeis gave Mr. Marshall repeated instruction to put his hands behind his back and stop resisting officers. Mr. Marshall continued screaming at officers to stop touching him and attempted to get away from him. Mr. Marshall fell to the ground and immediately began attempting to kick officers. I managed to avoid getting kicked. Officers Cole and Derubeis were on top of Mr. Marshall, attempting to get control of his arms while Mr. Marshall actively resisted officers. I attempted to gain control of Mr. Marshall's legs by putting my bodyweight on them. In getting into this position, my camera was

Investigator Signature

Supervisor Signature

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Case Status: ACTIVE

Case Mng Status: NA

Occurred: 01/29/2021

Offense: SIMPLE ASSAULT

Investigator: MCKERNAN, ASHLEY ROSE

Date / Time: 01/29/2021 18:27:48, Friday

Supervisor: ROBERTS, JOSEPH III (704)

Supervisor Review Date / Time: 01/29/2021 22:58:46, Friday

Contact:

Reference: Supplement

kicked off of my body by Mr. Marshall's kicks.

Officers continued giving Mr. Marshall commands to which he continuously refused to obey. Officer Cole deployed his OC spray, and shortly after this Mr. Marshall stopped fighting. Mr. Marshall was begging for water on his face, and staff supplied me with a bottle of water. Mr. Marshall stated he wanted the water to be poured on his face. In an attempt to keep him calm, I did as he asked.

Mr. Marshall continuously instructed a staff member to make many phone calls to many different people. I spoke with this staff member and asked if she could keep the phone calls to a minimum because we did not want too many people to show up and create chaos. I explained that the calmer the situation is, the better for everyone involved. She understood.

Mr. Marshall was evaluated and treated by AMR and secured in a patrol cruiser without incident. I spoke with Pastor Brown briefly when she arrived on scene. Pastor Brown said she would find a place for all his belongings and the staff showed her where his things were in the lobby. Pastor Brown looked at me and stated "He needs a hospital. He's bipolar". It should be noted that although his mood swings were a sign of mental illness, he did not meet the requirements for an emergency evaluation.

Mr. Marshall was secured in the prisoner conveyance van without incident.

Sergeant Conceicao responded to the scene. Please refer to Officer Cole's initial report for more information and for arresting charges.

BWC activated.

Nothing further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/03/2021 11:00

New Haven Police Department

OCA: **21003481**

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Case Status: *ACTIVE*

Case Mng Status: *NA*

Occurred: *01/29/2021*

Offense: *SIMPLE ASSAULT*

Investigator: *ALTIERI, CHRISTINA G (172)*

Date / Time: *01/29/2021 19:56:44, Friday*

Supervisor: *KING, KENNETH M (769)*

Supervisor Review Date / Time: *01/29/2021 20:14:08, Friday*

Contact:

Reference: *Supplement*

On January 29th, 2021 at approximately 1945 hours, this officer attempted to photograph and fingerprint Shawn Marshall. When Marshall first walked into the booking room he stated he was not going to get fingerprinted until he knew his charges. I advised him I would give him all the information he needed as soon as we finished.

While attempting to photograph Marshall he became very uncooperative and refused to stand still for his booking photo. Marshall stated he would not take his photograph until he was provided saline for his eyes. Marshall continued to sing, put his hands up and move around after given several commands by multiple officers to stop and be photographed.

After several attempts it was clear that Marshall would not be cooperative and he was subsequently charged with Failure to Submit to Fingerprints C.G.S. 29-17.

Officers started to bring Marshall back to his cell when he threw himself on the ground and had to be carried the rest of the way.

Nothing further.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 02/03/2021 11:00

New Haven Police Department

OCA: **21003481**

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Case Status: *ACTIVE*

Case Mng Status: *NA*

Occurred: *01/29/2021*

Offense: *SIMPLE ASSAULT*

Investigator: *VEGA, DAVID (295)*

Date / Time: *01/31/2021 15:53:03, Sunday*

Supervisor: *CONCEICAO, CARLOS F (723)*

Supervisor Review Date / Time: *01/31/2021 19:20:32, Sunday*

Contact:

Reference: *Supplement*

On 01/31/21 this officer is adding additional information regarding a previous incident regarding an arrestee (Shawn Marshall).

Let it be known that while being processed in the detention facility at 1 Union Avenue (police headquarters) Marshall refused to sign a (criminal appearance bond). This officer photographed the above mentioned document via the department issued phone. The document photographed was uploaded to the (evidence.com) database.

Nothing further

Investigator Signature

Supervisor Signature