

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning the
Use of Deadly Force by the Connecticut State Police
On May 9, 2023

Robert J. Devlin, Jr.
Inspector General

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Windham Judicial District State’s Attorney Anne F. Mahoney.

INTRODUCTION

On May 9, 2023, at approximately 10:30 a.m., at 29 Tiffany Street, Apartment 5, Brooklyn, Connecticut, State Trooper Romello Lumpkin¹ fired one round from his department-issued handgun striking and wounding Byron Harvey². 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 established that on May 9, 2023, at approximately 9:15 a.m., State Marshal Richard Smith went to 29 Tiffany Street, Apartment 5, Brooklyn, Connecticut for the purpose of executing an eviction order against Byron Harvey. The order had been issued by the Housing Court. State Marshal Smith requested the presence of two Animal Control Officers based on information that Harvey had a large canine in the apartment.

Harvey refused to leave. He had his dog in the apartment and was armed with a large knife. Marshal Smith contacted Troop D in Danielson and requested assistance. Trooper Meagan Yeung arrived on scene at approximately 9:43 a.m. Using a key provided by the landlord, Marshal Smith, Trooper Yeung, and the two Animal Control Officers entered the apartment. They saw Harvey standing in the living room holding a large knife. Trooper Yeung gave Harvey multiple commands to “put the weapon down,” but he refused. Trooper Yeung then called for backup. Trooper Lumpkin and Sergeant Brian Lovell, among others, responded to the apartment.

In an effort to obtain Byron Harvey’s cooperation, Sergeant Lovell opened a dialogue with him. Harvey was in the living room of the apartment seated in a chair. His pit bull dog was next to him and a grocery cart was in front of him. Trooper Lumpkin and Sergeant Lovell were approximately twelve feet away standing in the galley kitchen. Harvey refused to drop the knife and made several suicidal remarks. At one point, he said, “You’re going to have to shoot me ... if you don’t, I’m going to get at least one of you.” When Harvey stood up and advanced toward the troopers holding the knife in a raised position, Trooper Lumpkin fired one round from his handgun striking Harvey in the abdomen.

¹ On May 9, 2023, Trooper Romello Lumpkin, an African American male, had been a Connecticut State Trooper for two years and three months. His disciplinary history consisted of a ten-day suspension for conduct unbecoming a state trooper imposed in February, 2022.

² On May 9, 2023, Byron Harvey was a fifty-nine-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.”

Based on the facts developed during the investigation, I have determined that Trooper Lumpkin used deadly force to defend himself and Sergeant Lovell from what he reasonably believed to be a threat of serious injury or death. Accordingly, I find such force to be objectively reasonable and justified.

INVESTIGATION

Statements

State Marshal Richard Smith

OIG Inspector Steven Hunt interviewed Richard Smith on May 9, 2023. Smith stated that he was a Connecticut State Marshal and had gone to 29 Tiffany Street, Apartment 5 in Brooklyn at approximately 9:15 a.m. for a court-ordered eviction. The tenant was Byron Harvey. Smith was aware that Harvey had a dog at the residence which prompted him to request the assistance of Animal Control. Two Animal Control Officers (ACOs) met him at the residence.

Smith knocked at the apartment's door but received no answer. Using a key that Smith had obtained from the building's caretaker, Smith opened the door to the apartment. The ACOs were unable to control the dog so Smith called the Connecticut State Police for assistance. A female trooper arrived on scene and went into the apartment with the two ACOs.

The female trooper informed Smith and the two ACOs that she had observed a lone male in the apartment armed with a knife. The female trooper called for backup and a male trooper arrived and entered the apartment. When Smith saw this male trooper draw his weapon, Smith exited the apartment building and waited outside.

Smith heard the male trooper try to talk the man down and to drop the knife for approximately fifteen to twenty minutes. Smith stated that he heard a big pop. Thereafter, more troopers and an ambulance arrived on scene. Smith had no further information to provide.

Animal Control Officer (ACO) Angelina Greene

On May 10, 2023, ACO Greene provided a written statement to detectives. That statement may be summarized as follows:

ACO Greene was employed by the Northeastern Connecticut Council of Governments (NECCOG) that serves twenty-two towns including Brooklyn. ACO Greene was a Supervising Animal Control Officer.

On May 9, 2023, while on duty with ACO Brandylan Hubbard, ACO Greene received a call from a State Marshal who requested ACO services at 29 Tiffany Street, possibly Apartment 5. The State Marshal was doing an eviction and there was a report of an aggressive pit bull-mix dog. ACO Greene and ACO Hubbard responded to 29 Tiffany Street.

Upon arrival, ACO Greene met the State Marshal, Trooper Meagan Yeung, and the landlord. They were outside of the apartment building in the rear parking lot. They reported that the man inside did not want to come out and they anticipated problems with the dog who was at the door trying to bite everyone.

ACO Greene, ACO Hubbard and Trooper Yeung approached the apartment door. The landlord opened the door, and the dog was barking and growling. They told the man in the apartment that he needed to get control of his dog. The dog then went down a hallway and into a room. They also proceeded down the hallway with ACO Hubbard in front. At the end of the hallway, ACO Hubbard told ACO Greene that the man had a knife. ACO Greene observed the knife describing it as having a large, jagged blade and was a little smaller than a one-foot ruler. Trooper Yeung told the man to put the knife down. The man responded that he had no reason to live, and they might as well kill him. Trooper Yeung called for backup and Trooper Lumpkin arrived.

Trooper Lumpkin tried to de-escalate the situation and convince the man to drop the knife. Trooper Lumpkin directed Trooper Yeung to the front of the building to prevent the man from fleeing out the front door. ACO Hubbard accompanied her and ACO Greene backed out of the apartment. Trooper Lumpkin stayed inside near the main entrance. The man was repeatedly making suicidal comments. More troopers arrived and they tried to talk the man down, but it wasn't working.

The statement continues:

“Soon after that, things started to deteriorate. Myself and the tall trooper with the sleeve were at the window listening to what was going on. They were directing him to drop the weapon. I heard what sounded like a taser deployment and soon after I heard a single gunshot. I went inside to secure the dog. While I was inside, I also witnessed Troopers calling for medical attention and they were trying to medically treat him.”

ACO Brandylan Hubbard

On May 10, 2023, ACO Brandylan Hubbard gave a written statement to detectives that may be summarized as follows:

On May 9, 2023, ACO Hubbard accompanied ACO Greene to 29 Tiffany Street, Apartment 5, to assist a State Marshal doing an eviction where there was a report of an aggressive dog. Upon arrival, the State Marshal cracked the door of the apartment, and the dog was at the door growling. They tried to catch pole⁴ the dog, but it retreated down the hallway. They announced that it was Animal Control and demanded that the man leash his dog. The man stated that he was not going to leash the dog.

When the dog went down the hallway, ACO Hubbard, ACO Greene, and Trooper Yeung entered the apartment and proceeded to the area where the dog was barking. At the end of the hallway, ACO Hubbard saw the man who was holding a large hunting knife about the size of a one-foot ruler. The man was holding the knife in a threatening manner. ACO Hubbard told the man that if he did not leash the dog, she would have to catch pole the dog. The man said, "if you come near me, I will stab you." ACO Hubbard asked the man to put the knife down and informed him that a Trooper was present. Trooper Yeung moved forward and stood next to ACO Hubbard. The man said that he would not put the knife down and, "if you come near me, I will stab you." Trooper Yeung called for backup and Trooper Lumpkin arrived.

Trooper Lumpkin tried to de-escalate the situation, but the man was not responding to it. He kept saying to just shoot him and to just kill him. They backed out of the apartment and Trooper Lumpkin stayed at the entry door threshold maintaining contact with the man. Upon learning that there was a front entrance to the apartment, Trooper Lumpkin directed Trooper Yeung to that location and ACO Hubbard followed.

Other Troopers arrived. From her position in the front, ACO Hubbard could hear people communicating and the dog barking. About a minute or two later, ACO Hubbard heard a bunch of people shouting, "drop the weapon." ACO Hubbard then heard one gunshot. Someone opened the front door and an unknown Trooper yelled to get the dog. ACO Hubbard went into the apartment and the dog was in the room to the right of where the man was. ACO Hubbard catch poled the dog. She could hear Troopers telling the man to "stay with us." ACO Hubbard left the apartment with the dog.

Trooper Meagen Yeung

On May 9, 2023, at 9:38 a.m., Trooper Yeung was dispatched to 29 Tiffany Street, Apartment 5, Brooklyn to assist State Marshals with a court-ordered eviction. The State Marshal reported that the tenant, Byron Harvey, refused to come out of the residence and had a large canine inside the residence.

⁴ A "catch pole" is an apparatus used by ACOs to safely handle an aggressive canine.

Upon arrival, Trooper Yeung went to the rear entrance of the apartment where the State Marshal had unlocked the door. Speaking through the partially open door, Trooper Yeung advised Harvey of the court-ordered eviction and that he needed to vacate the premises. Harvey refused to leave and threatened to release his dog. Animal Control was on scene and attempted to enter the apartment. One of the Animal Control staff reported that Harvey had a knife. Trooper Yeung contacted dispatch and requested additional units. Upon entering the apartment, Trooper Yeung confronted Harvey directing him to put the weapon down, but he refused. Trooper Lumpkin arrived and attempted to verbally de-escalate. Harvey continued to hold the knife and said that he was not leaving the apartment and that the police would have to shoot him.

Sergeant Lovell arrived and advised Troopers on scene to step outside the residence. Trooper Yeung went to the front of the complex to secure the front entrance. While standing outside, Trooper Yeung was able to hear muffled words being exchanged between Harvey and Troopers. After about twenty minutes, Trooper Yeung heard a gunshot and a taser being deployed. Animal Control then entered the apartment and secured the canine. Trooper Yeung entered the apartment and observed Troopers rendering medical aid to Harvey. EMS transported Harvey to Day Kimball Hospital.

Trooper Yeung was wearing a body worn camera (BWC) during this incident. To view a portion of her BWC recording, click [here](#).

Sergeant Brian Lovell

On May 9, 2023, Sergeant Lovell was dayshift Patrol Supervisor at Troop-D, Danielson. He responded to 29 Tiffany Street, Apartment 5, Brooklyn after Trooper Yeung requested another trooper in connection with assisting a State Marshal with an eviction. Enroute, Sergeant Lovell contacted Trooper Lumpkin who reported that the resident, Byron Harvey, was resistant to the eviction, had a large growling protective dog, and was holding a large knife.

Upon arrival, Sergeant Lovell entered the apartment and attempted to start a dialogue with Harvey. It was apparent to Sergeant Lovell that Harvey was in a mental health crisis and in need of immediate care and treatment.

Sergeant Lovell's report continues:

“During the course of our interaction, Harvey began to verbalize himself in a more aggressive manner by stating to myself and other Troopers on scene that “you’re going to have to shoot me, if you don’t, I’m gonna get one of you” and “I don’t care about the situation.” Multiple requests were made by myself and Troopers within the residence for Harvey to put the knife

down. Harvey continuously maintained a grip on the knife with his right hand while he repositioned it at times on his abdomen or across his body in a defensive posture.

“Harvey stood up from his seated position with the knife, raised his right hand with the knife, removed and cleared the shopping cart from his path forward and approached troopers with the raised knife towards myself and Trooper Lumpkin. He was given clear and concise commands to put the knife down. Harvey began to walk towards Troopers. He was told at least six times by several Troopers to put the knife down while he was walking towards them in a hostile manner. I allowed Harvey time and opportunity to submit to verbal commands before force was used. At no time did Harvey verbalize his intent to surrender himself or his deadly weapon to myself or the on-scene Troopers. As Harvey moved closer to myself and Trooper Lumpkin, who was positioned in the kitchen, I deployed my department-issued taser into the abdominal region of Harvey to stop his advance. Once I recognized that Harvey was experiencing neuro-muscular incapacitation and that the knife was no longer a threat, I made my approach to him.

“I proceeded to clear the location near his body for any weapons that could injure myself or the other Troopers, rendered it safe and powered down the taser. Initially, I didn’t realize that Trooper Lumpkin had fired his assigned duty pistol since the sound of the deploying taser and his pistol were almost simultaneous. I assisted with a visual assessment of Harvey for any injuries then began emergency first aid. I was made aware by Sgt Davis #194 that both weapons were used during Harvey’s advance towards Troopers.”

Sergeant Lovell was wearing a BWC during his encounter with Harvey. To view relevant portions of the BWC recording, click [here](#).

Trooper Romello Lumpkin

Trooper Lumpkin provided a statement to OIG inspectors dated August 29, 2023. That statement may be summarized as follows:

On May 29, 2023, Trooper Lumpkin responded to 29 Tiffany Street, Brooklyn, CT to assist Trooper Yeung and a State Marshal with an eviction. Upon arrival, Trooper Lumpkin observed Byron Harvey in the dining room of the apartment holding a knife and also observed a large pit bull that was barking.

Trooper Yeung and two Animal Control Officers (ACOs) were in the kitchen. Trooper Lumpkin asked Trooper Yeung to secure the other entrance to the apartment. The ACOs advised Trooper Lumpkin that they had had previous encounters with the pit bull regarding bite complaints. One ACO told Trooper Lumpkin that Harvey had threatened to stab them. Within

the first few minutes of his arrival, Trooper Lumpkin told Harvey to put the knife down three or more times.

Trooper Lumpkin continued to talk to Harvey but was unable to persuade him to put the dog away. Harvey made suicidal remarks suggesting that Trooper Lumpkin had to shoot him. The ACOs told Trooper Lumpkin that Harvey had made similar suicidal remarks to them. Harvey ultimately sat down in the dining room at the edge of the kitchen area. He placed a shopping cart between himself and the kitchen area and had the dog by his side. Trooper Lumpkin was standing in the kitchen near the rear entrance to the apartment. Harvey continued to hold a large military style knife. Despite repeated efforts, Trooper Lumpkin was unable to convince Harvey to put the knife down.

When Sergeant Lovell arrived, he took over the dialogue with Harvey advising him that we did not want to hurt him, and he did not want to hurt us. The statement continues:

“Byron then stood up from the chair and moved the two wheeled shopping cart that was between him and us out of the way. At this point, I had Sergeant Lovell to my right and my back was to the wall and the other troopers who had later arrived were standing in my only avenue of retreat.

“I was very concerned about the possibility of an aggressive dog coming at us and having to deal with that as well as a knife attack in a small, confined space with no avenue of retreat. During this time, Byron said, ‘you’re going to have to shoot me. I’m going to try to get at least one of you.’ I then immediately told him that we had a good talk today and why would he want to hurt us. The knife remained in his right hand.

“I repeated multiple times for Byron to put the knife down. Byron, having moved the cart, started to advance. He started to step in front of the pit bull as I continued to tell him to put the knife down. Byron raised the knife up in his right hand over his head bent at the elbow in a pre-strike fashion. He immediately started advancing towards us. I now yelled for Byron to put the knife down as did Sergeant Lovell. When Byron refused and advanced, fearing for my life and the life of Sergeant Lovell, I fired one shot. Sergeant Lovell simultaneously discharged his taser. Byron went down and I immediately searched him, secured him, and rendered medical aid along with other troopers at the scene.”

Trooper Lumpkin was wearing a body worn camera during his encounter with Harvey. To view a portion of that recording, click [here](#).

Byron Harvey

On May 17, 2023, OIG inspectors interviewed Byron Harvey at UMass Memorial Hospital in Worcester, Massachusetts. Harvey was not sedated and stated that he was not under the influence of any hospital prescribed medications that would interfere with or cause concern during the interview. Harvey was cooperative when answering questions.

The report of the interview, in part, reads as follows:

“When asked to tell us about the day of the incident, Harvey stated that he knew “they” were coming to evict him out of his apartment. Harvey stated that he did not have any place to go, no money, and barely had food. Harvey said that “they” (Animal Control) threatened to take his dog. “They” then asked him to drop the knife but he refused and stated “I was in the military, and I have been trained with it.”

“When we asked Harvey why he had the knife that day, he stated ‘to protect himself from the police.’ I asked Harvey if he wanted the police to shoot him. Harvey replied, ‘I wanted to die, but not like this.’ Harvey stated that he was tired of living and tired of getting “screwed” over. Harvey further explained that he was on disability and could not work and only makes \$1300 - \$1400 per month which is not enough to pay his light bill and rent.

“When asked what his intentions towards the officers were when he stood up with the knife. Harvey replied, ‘I just wanted to get it over.’ Harvey further confirmed that his intentions were to harm “at least one of them.” Harvey related that he wanted the police to end it for him. Harvey stated that ‘one quick shot to the head would have done it.’

“Harvey confirmed that he has tried to commit suicide on several occasions in Connecticut, Florida, Tennessee, and Iowa. According to Harvey, he is not currently prescribed any medication. Harvey confirmed that he does use marijuana and cocaine. Harvey stated that on the day of the incident he did not use any marijuana or cocaine. He did state that he had two sips of Black Velvet whiskey on the day of the shooting.

“Harvey confirmed that the only family he had in the area was his brother, Troy, who resides in Danielson, CT. Harvey stated that his brother came to visit him in the hospital and showed him some news footage of the shooting and told him that he was “stupid.” Harvey agreed and stated that it was a “stupid thing to do and there was nothing else to it.” Harvey also stated to us that “I wish they had shot me in the head because I had nowhere to go.”

EMS transported Harvey from the scene to Day Kimball Hospital and from there he went to UMass Memorial Medical Center in Worcester, Massachusetts via LifeFlight. Harvey was

admitted to UMass Memorial Medical Center on May 9, 2023, and discharged on June 16, 2023. He was treated for the gunshot wound that he sustained to his chest/abdomen.

Harvey underwent an exploratory laparotomy during which the hospital performed a resection of his small bowel and transverse colon. X-ray showed a bullet fragment lodged in his spine that was not removed. While at the hospital, he also had surgery to correct a problem in his left femoral artery.

Upon his release from the hospital, Harvey was taken into custody by the police. He ultimately was extradited to Connecticut and charged with attempted assault in the first degree and related charges. His case is currently pending in the Superior Court in Danielson.

SCENE

CDMCS detectives processed the scene under the authority of a search warrant. The incident occurred inside Apartment #5, 29 Tiffany Street, Brooklyn, CT. The apartment consisted of one bedroom, one bathroom, a kitchen, and a living room/dining room area. The condition of the apartment was unkempt with garbage on the floor and a foul odor consistent with waste, spoiled food, and garbage.

On the kitchen floor, in front of the stove, detectives observed one shell casing that was seized as evidence exhibit #1. A fixed blade knife was identified on the floor south of the kitchen stove and seized as evidence exhibit #2. The knife had a 6.5-inch serrated blade and an overall length of 12 inches. On the floor in the area where Harvey was reportedly shot, detectives observed a blood-like substance. DNA swabs were seized as evidence exhibit #4.

Trooper Lumpkin's department Glock Pistol (exhibit #26) and the expended shell casing (exhibit #1) were submitted to the Department of Emergency Services and Public Protection Forensic Science Laboratory for a functionality test and comparison. The Forensic Science Laboratory determined that the Glock Pistol (exhibit #26) operated without malfunction. The Laboratory further determined that the submitted shell casing (exhibit #1) had been fired from the Glock Pistol (exhibit #26).

Detectives also analyzed the body worn camera recordings to determine the approximate distance between Harvey and Trooper Lumpkin and Sergeant Lovell at the point where Harvey stood up and started to move toward the troopers. That distance was determined to be 12.04 feet. In addition, the width of the galley kitchen was determined to be 2.55 feet.



[Shell Casing]





[Harvey's Knife]



[Blood-like Stain]



[Trooper Lumpkin's Glock Pistol]



[29 Tiffany Street]

FINDINGS

1. On May 9, 2023, State Marshal Richard Smith went to 29 Tiffany Street, Apartment #5, Brooklyn, Connecticut to carry out a court-ordered eviction of the tenant, Byron Harvey.
2. Harvey was uncooperative with State Marshal Smith. He refused to leave and had a large dog with him in the apartment. The State Marshal contacted Animal Control and Connecticut State Police Troop D- Danielson.
3. Two animal control officers and Trooper Meagan Yeung responded to the scene. When it was discovered that Harvey was armed with a large knife, Trooper Yeung requested backup.
4. Trooper Romello Lumpkin and Sergeant Brian Lovell arrived and attempted to convince Harvey to drop the knife and cooperate in the eviction. Trooper Lumpkin and Sergeant Lovell were standing in the kitchen area and Harvey was seated in the living room approximately twelve feet away.
5. Harvey continued to be uncooperative and made several suicidal comments. At one point, he stated, "you're going to have to shoot me, if you don't, I'm gonna get one of you."
6. When Harvey stood up and moved toward the troopers with the knife raised in his right hand, Sergeant Lovell deployed his taser and Trooper Lumpkin simultaneously fired one shot from his Glock pistol striking Harvey in the abdomen/chest area. Troopers immediately provided medical aid until the arrival of EMS.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on May 9, 2023, in relevant part, provides:

"(a)(1) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or prevent an escape from custody.

(2) A peace officer ... who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b), (c), and (d) of this section unless such warrant is invalid and known by such officer to be invalid.

(b) Except as provided in subsection (a) ... of this section, 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 ..." (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 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, 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 in a civil rights case: “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

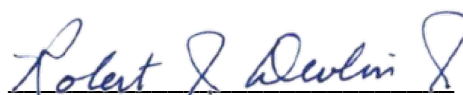
In the present case, Trooper Lumpkin fired his handgun because he honestly believed that he, along with Sergeant Lovell, faced the imminent use of deadly physical force against them by Byron Harvey. This belief was reasonable because a reasonably trained police officer in the same circumstances would have believed the same thing. Trooper Lumpkin further honestly believed that firing his weapon was necessary to stop the threat posed by the threatened knife attack. This belief was also reasonable because a reasonably trained police officer would have shared the belief that deadly force was necessary.

In addition, Byron Harvey possessed a weapon, namely a large military-style knife, capable of inflicting serious physical injury. Moreover, Trooper Lumpkin and Sergeant Lovell clearly attempted to de-escalate the situation. They spoke to Harvey for close to a half hour suggesting that they could provide him with the services that he needed. It was only when Harvey stood up and advanced toward them, with knife in hand, that the troopers resorted to the use of force. Finally, the use of force was not precipitated by police conduct.

CONCLUSION

The investigation establishes that Trooper Romello Lumpkin used deadly force against Byron Harvey to stop Harvey’s attempted knife attack. I therefore conclude that Trooper Lumpkin’s use of force was justified under Connecticut law. The Office of Inspector General will take no further action on this matter.

Submitted, this 23rd day of April 2024.



ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL