

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning Use of Deadly Force
By the Torrington Police Department on March 23, 2022

Robert J. Devlin, Jr.
Inspector General

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

Torrington Police Department

Litchfield Judicial District State's Attorneys Dawn Gallo and David Shannon

INTRODUCTION

On March 23, 2022, at approximately 4:40 p.m., at 71 Tioga Street, Torrington, CT, Torrington Police Officer Jeffrey Buzzi fired three shots from his department-issued handgun striking and wounding Brian Dungan¹. On that date, the Office of Inspector General along with the Connecticut State Police Central District Major Crime Squad commenced an investigation into the officer-involved shooting. The details of the investigation are contained in this report.

In summary, the investigation establishes that, at the time of the shooting, Brian Dungan was in a depressed and intoxicated state. When Officer Buzzi approached him in the basement of 71 Tioga Street, Dungan sprang up, displayed a knife, and charged at Officer Buzzi. As Buzzi retreated up the basement stairs, Dungan followed and continued to brandish the knife. In the hallway at the top of the stairs, Dungan quickly moved toward Officer Buzzi and Torrington Police Officer David Kisiel. After Officer Kisiel unsuccessfully deployed his Taser at Dungan, Buzzi fired his handgun three times striking Dungan in the arm and chest area. The investigation further establishes that Dungan's aggressive conduct may have been motivated by a suicidal desire to provoke the police into shooting him.

Officer Buzzi used deadly force to defend himself and Officer Kisiel from what he reasonably believed to be a threat of serious physical injury or death. Accordingly, I find such use of force to be objectively reasonable and justified.

INVESTIGATION

Background

Litchfield County Dispatch

On March 23, 2022, at approximately 4:32 p.m. Roy Dungan, a Connecticut State Trooper, made the following call to Litchfield County Dispatch:

Litchfield County Dispatch: Litchfield County Dispatch, dispatcher Knowlton

Roy Dungan: Hey, dispatcher Knowlton, this is Trooper Roy Dungan. Hey, I'm at that car accident Route 8 northbound.

Litchfield County Dispatch: Okay

¹ On March 23, 2022, Brian Dungan was a fifty-three year old Caucasian male.

Roy Dungan: I just got a call from my brother and he's got suicidal ideation.

Litchfield County Dispatch: Okay, where is he located?

Roy Dungan: 71 ... 71 Tioga Street in Torrington

Litchfield County Dispatch: Okay hang on one ...

Roy Dungan: He sounds ETOH. I can't break from the scene right here. Otherwise, I'd go over myself.

Litchfield County Dispatch: No, I understand. What's your phone number Roy?

Roy Dungan: It's [gives phone number].

Litchfield County Dispatch: Okay. What is your brother's name?

Roy Dungan: I just got off the phone ... My brother's name is Brian. Same last name as Dungan DUNGAN.

Litchfield County Dispatch: Do you know his date of birth?

Roy Dungan: Uh [gives date of birth].

Litchfield County Dispatch: Okay. And what exactly is he saying?

Roy Dungan: He says, I'm done. I'm going to go kill myself ... I said, Brian what are you talking about? I was just at the house yesterday. Our father has bladder cancer ... has bladder cancer. He lives with my parents and he's downstairs. He's downstairs in the basement. So, I didn't even call my parents yet. I wanted to give you guys a call. Get Torrington out there.

Litchfield County Dispatch: Okay so your parents are home.

Roy Dungan: They're, yeah, home upstairs. They don't know anything about this as of yet. After I get off the phone with you, I'm going to call them up. Now he does, um, there's no guns, but he does have knives downstairs. I don't know if he has them on him, but just, just to let them know that they, he does down ... there are some knives around his area, down in the basement. He said he's going to go, he going to go to his car and take off to Route 8.

Litchfield County Dispatch: Okay. What is his car?

Roy Dungan: Um, I don't know. It should be registered to him, Brian Dungan, if you look on, uh, COLLECT.

Litchfield County Dispatch: Yep. And does he have a mental health history?

Roy Dungan: Uh, he, he, he has, he's had some bouts of depression before and he does definitely drinks way too much.

Litchfield County Dispatch: Okay, and when was the last time you had contact with him Roy?

Roy Dungan: Just before I called you. A couple minutes ago.

Litchfield County Dispatch: And what's his phone number?

Roy Dungan: Um, hang on [gives phone number].

Litchfield County Dispatch: Okay. Okay, and what does he look like?

Roy Dungan: Um, unshaven. He has no teeth in his mouth. He has, ah, balding on top, usually wears ah ... about five - ten thinner 170 pounds.

Litchfield County Dispatch: And does he normally wear a certain type of clothing or have any (unintelligible).

Roy Dungan: Jeans? But you know, if anything could just get somebody to start up that way.

Litchfield County Dispatch: I already, we already have Roy. So, I mean, anything you'd give us in just more to help especially since you said that he's going to take off.

Roy Dungan: Yeah, I didn't see him today, so I'm not too sure what he's wearing. Usually he wears jeans jacket.

Litchfield County Dispatch: Okay. And what are your parents' names?

Roy Dungan: Marcia. MARCIA, and my father's name is Roy. Same as mine, ROY.

Litchfield County Dispatch: Okay. Okay. And do you want contact Roy?

Roy Dungan: Yeah. Give me a callback. Let me know what happened if you don't mind.

Litchfield County Dispatch: Nope. That's not a problem. The [gives number] is the best one?

Roy Dungan: Yes.

Litchfield County Dispatch: Okay.

Roy Dungan: Okay. Thank you.

Litchfield County Dispatch: Yep, bye.

Roy Dungan: Bye, bye

END OF CALL.

Statements

Officer Jeffrey Buzzi²

Officer Jeffrey Buzzi and Officer David Kisiel were dispatched to 71 Tioga Drive Torrington for a well-being check on Brian Dungan who was making suicidal comments. Officer Buzzi arrived on scene first and spoke with Brian Dungan's mother who was in the driveway awaiting the arrival of the police. She said her other son, a state trooper, called her stating Brian had called him making suicidal comments. Brian's mother escorted Officer Buzzi into the residence to speak with Brian who was in the basement. Officer Buzzi saw Brian's father sitting at the kitchen table. At the top of the basement stairs, Brian's mother pointed down to the basement and said Brian was down there. Before walking down the stairs, Officer Buzzi called out Brian's name and continued to call out "Brian" as he walked down the stairs.

Officer Buzzi's statement continues:

"When I got approximately half-way down the stairs I could hear a male crying, but did not have a visual on where he was located. I continued to walk downstairs to make contact with Brian as I continued calling his name. Once at the bottom of the stairs, I observed a male matching the description the caller gave laying on the floor on the right side of the bed. The male's head was facing the foot of the bed and he was covering his eyes with both his hands as he continued to cry. I again called out, "Brian this is Officer Buzzi with the Torrington Police, can you talk to me." After clearly identifying myself as a police officer, Brian immediately took his hands away from his face and screamed, "Fuck you." While Brian was yelling "Fuck you" he kicked his leg up and quickly stood up. As Brian was standing up, I heard a distinct "click" which sounded like a knife being flipped open. As Brian turned toward me, I clearly observed Brian wielding a pocket knife in his right hand that had a blade approximately 4 inches in length. I

² On March 23, 2022, Officer Jeffrey Buzzi was a twenty-five year old Caucasian male who had eleven months experience as a Torrington police officer. He was up to date on his training and had no disciplinary history.

immediately drew my department issued firearm out of its holster and aimed it at Brian. I began telling Brian, "Sir, drop the knife, drop the knife right now." Brian continued to hold the knife while yelling "fuck you, kill me" while advancing toward me from approximately ten feet away. I observed a medical brace on Brian's right leg while he walked toward me, which did not appear to have any effect on Brian's ability to walk and move towards me. Brian continued to advance towards me failing to obey my verbal orders to drop the knife. While I was walking backwards attempting to create space between us, Brian spit on me.

"I began to walk backwards up the basement stairs to continue creating space between us, while continuously instructing Brian to drop the knife. When I got to the top of the stairs, Brian continued advancing up the stairs toward me yelling, "Kill me" and "you better get a gun." I continued to instruct Brian to drop the knife. I warned Brian if he did not drop the knife, I was going to shoot him. When I got to the doorway at the top of the basement stairs, I began to walk backwards into the kitchen where I had entered. Brian's mother was behind me with her hand on my back. At this time, Officer Kisiel was entering the kitchen from the mudroom entryway of the house. Officer Kisiel was nearby when I instructed Brian to drop the knife as I continued to back away. Officer Kisiel drew his department issued Taser from the holster and aimed it at Brian. Brian continued to advance towards Officer Kisiel and me, forcing us into a narrow hallway leading to the mudroom of the residence. Brian was still wielding the knife screaming, "kill me." Officer Kisiel deployed his Taser striking Brian with the two probes. When both probes properly attach the Taser is supposed to cause neuromuscular incapacitation immediately stopping the threat. The Taser did not have any effect on Brian and, at this point, Brian was within five or six feet of me and Officer Kisiel posing an immediate threat to our safety and the possible safety of Brian's parents, who were directly behind Brian as he entered the hallway.

"Brian began to move faster towards me and Officer Kisiel as we walked backwards through the narrow hallway. Officer Kisiel was behind me to my right making it difficult to back away from Brian fast enough as he began to quickly advance towards us. It was at this point that I fired two rounds at Brian. I immediately fell backwards at the step to the mudroom accidentally firing a third round as I began to fall to the floor. I quickly stood back up and kept my firearm pointed at Brian, who was then lying on his back on the ground, with the knife still in his right hand, yelling, "fuck you." I instructed Brian to drop the knife once more. Officer Kisiel grabbed the knife and placed it out of Brian's immediate reach. As I re-holstered my firearm, Officer Kisiel keyed up his radio instructing Sergeant Sultaire, badge 320, to "step it up, and stated "shots fired, start 263 hot" meaning to have Trinity Ambulance respond to the scene lights and sirens. At this time Sergeant Sultaire radioed for all available units to respond to the scene."

At the time of the above-described events, Officer Buzzi was wearing a body worn camera [BWC]. To review a recording of his encounter with Brian Dungan, click [here](#).

Officer David Kisiel

On March 23, 2022, at approximately 4:36 p.m., Officer David Kisiel along with Officer Buzzi were dispatched to 71 Tioga Street, Torrington for a well-being check on Brian Dungan. The dispatcher informed the officers that Brian had made suicidal comments. Upon arrival, Officer Kisiel met Brian's mother at the garage door to the residence. She explained that Brian had suffered mental health issues for years and stated that Officer Buzzi was in the basement speaking with Brian. As Officer Kisiel walked through the garage to the kitchen, he heard Officer Buzzi yell, "Drop the knife" and then, "drop the knife or I'm going to shoot you.

Officer Kisiel's statement continues:

"At this time, I began running towards the basement door which is when I observed Office Buzzi at the top of the basement stairs with his department issued firearm drawn and pointing down the stairs. I then approached Officer Buzzi as he came around the corner and drew my Taser. As Officer Buzzi and I were backing up, I observed Brian reach the top of the basement stairs and continued to walk in an aggressive manner towards us with a pocket knife in his right hand. Both Officer Buzzi and I continued to instruct Brian to "drop the knife" which Brian refused to do as he continued to advance towards us with the knife pointed at us. I then deployed my Taser in an attempt to subdue Brian, which did not have an effect on Brian. Brian continued to advance towards us which is when Officer Buzzi fired three rounds, striking Brian twice. Brian then fell to the ground but continued keeping the knife in his hand. I instructed Brian to drop the knife again, which he did and I secured the knife and moved it out of Brian's immediate reach while Officer Buzzi began to administer first aid to Brian. At this time, Sgt. Sultaire along with other responding officers arrived on scene and took over for Officer Buzzi and I. Officer Buzzi and I were instructed to return to our Police cruisers and await further instructions."

Officer Kisiel was wearing a BWC when he responded to 71 Tioga Street. To review the relevant portion of his BWC recording, click [here](#).

Trooper Roy Dungan

On March 26, 2022, detectives with the Central District Major Crime Squad (CDMCS) interviewed Roy Dungan. As relevant to this investigation, Dungan's statement provides:

"On March 23, 2022 at approximately 1626 hours (4:26 p.m.), while I was investigating a serious-injury motor vehicle accident, I received a phone call from my brother Brian Dungan ... and while mumbling, Brian asked me, "What do I have to do to have a State Trooper shoot me?" I was standing outside of my cruiser when he called me, so it was difficult to hear him. I told him to hold on a minute so I can return to my cruiser so I can hear you better. I initially thought he was joking around, but he was slurring his words, so I wanted to hear him clearer.

While inside my cruiser, "What did you say?" Brian repeated the same thing, "What do I need to do to have a State Trooper shoot me?" His words were slurred and it was difficult to understand him. In my opinion, Brian has a drinking problem, but I have never heard him sound this intoxicated ever. Due to this, I knew Brian was being serious. I replied to Brian, "Life is more valuable than this, there's a way we can work through this." Brian replied, "No I'm fucking done." Then proceeds to hang the phone up. I called Brian back at 1628 hours (4:28 p.m.) and said, "Brian, we can definitely work this out." Brian replied, "I'm fucking done and you'll get used to me not being around after a couple of years." I told him, "Mom and Dad already lost a son, they can't lose another." Once again, Brian stated, "I'm fucking done," as he started to cry and hung the phone up again. I immediately contacted Litchfield County Dispatch at 1632 hours (4:32 p.m.) and introduced myself and informed them that my brother Brian had suicidal ideation. I told dispatchers that Brian is highly intoxicated and that he does not have any firearms, however, he does have knives. After getting off the phone with dispatch, I sent my mother a text message asking her if she was home. She said yes. I called her at 1637 hours (4:37 p.m.) and told her that I had just gotten off of the phone with Brian and he wanted to hurt himself. I told her to keep her distance from Brian and to stay as far away from him as she possibly can."

Marcia Dungan

On March 23, 2022, CDMCS detectives interviewed Marcia Dungan regarding the events leading up to the incident involving her son, Brian. Marcia said that on March 23, 2022 she spoke to Brian via phone at 2:00 p.m. They had a short conversation and nothing seemed out of the norm. Brian arrived home at approximately 4:00 p.m. Maria could tell that something was bothering him. Later, Marcia learned from her daughter that Brian was upset by the reaction of his children after learning of their grandfather's medical diagnosis.

At 4:35 p.m., Marcia received a call from her other son, Roy P. Dungan. Roy told her to stay upstairs and that Brian was in funny mood saying strange things and slurring his words. Roy said that he called the police to respond to the house.

The CDMCS report summarizing Marcia Dungan's oral statement continues:

"Marcia stated she met with a Torrington Police officer at the front door. Marcia stated the officer asked what's going on and she said, "I don't know." Marcia stated she told the officer that her son, Roy P., had called for the police to check on his brother, Brian. The officer came into the house followed by another Torrington Police Officer and walked toward the doorway that led downstairs. Marcia stated she saw the first officer take two steps down and call out to Brian. Brian responded with some unintelligible words. The officer took another step down and called out to Brian. Marcia stated she saw Brian appear at the bottom of the steps with a

knife in his hand. Marcia stated she saw the officer draw his gun and instruct Brian to drop the knife. Marcia stated she told the officer to please don't shoot him. Brian charged up the steps, red faced and yelling something. Marcia stated the officer began to walk backwards up the steps as Brian came up the steps. Marcia stated the officers kept moving back from the top of the steps and walked back into the kitchen. Brian was still in front of them and lunging forward with a knife. The officers almost got to the back door as they walked backwards through the kitchen. Marcia stated it happened very quick, she heard the gun, "bang bang" and at the same time she saw the Taser deployed. Marcia stated to her it seemed like the gun and Taser were used at the same time. Marcia stated Brian fell onto his back and made grunting noises. Marcia said, "Oh my god, you shot him! Where did you shoot him?" Marcia stated the officer told her he didn't know where he shot him and then began to lift up Brian's shirt. Marcia stated the officer rolled Brian over and saw a bullet. Marcia stated an officer said no entrance wound. A third officer came and told her to leave the house. Detective Moricoli asked Marcia if she saw a wound. Marcia stated she saw a little red hole in his chest, but no blood coming out. Marcia stated the officer began medical aid and calling out to Brian to stay alert."

In addition to the above, Marcia informed CDMCS detectives that Brian had been living in the basement since 2014. That was the same year that he was divorced from his wife in Wisconsin. Marcia further stated that Brian saw a psychiatrist on a regular basis for the last two years at the Behavior Health Center in Torrington.

Brian Dungan

On December 22, 2022, inspectors from the Office of Inspector General interviewed Brian Dungan at the Thomaston Police Department. In relevant part, Chief Inspector James Viadero's summary of the interview provides:

"The interview commenced at 11:00 a.m. and Mr. Dungan confirmed that he came in of his own free will and that he was informed that he was not the subject of any criminal investigation by the Office of the Inspector General.

"Mr. Dungan stated that he resides at 71 Tioga Street, Torrington, Ct., the home of his two elderly parents. On the day of the incident, he came home from work at approximately 2 p.m. and began drinking. Mr. Dungan stated that on that day he consumed "one pint of Jameson's and two pints of Captain Morgan liquor", stating that he was "well above his limit". His next recollection of the day was when he woke up in Hartford Hospital and realized he had been shot.

"When queried, Mr. Dungan stated he had no recollection of the shooting incident, or the response by Torrington P.D. Mr. Dungan stated that he recalled speaking to his brother while in the hospital and being told that he made a call to him, inquiring as to "what would he have to

do to have a State Trooper shoot him'. This conversation was corroborated by a statement taken from Trooper Roy Dungan, Brian's brother, who called in the initial welfare check.

"Mr. Dungan stated that he did not remember anything pertaining to the events surrounding the shooting but did recall seeing a video of the event on the news, confirming that it was him and it did appear accurate. Mr. Dungan stated that it was in fact he who was armed with a knife, but he stated there were no other weapons in the house at the time.

"Mr. Dungan continued to state, "From what he saw he wanted to end his life, suicided by cop". When questioned further about his drinking habits he informed investigators "that it was not normal drinking that much, my drink of choice is beer".

"When asked if there was anything that precipitated his behavior and excessive drinking that day, Dungan contributed that "his kids had been hard on him, accusing him of hitting them". They didn't understand what he had gone through, elaborating that he had been a member of the Connecticut National Guard, but was separated due to medical reasons after numerous years of service.

"Mr. Dungan stated that he is currently seeking treatment from a psychotherapist and has stopped drinking and smoking. He stated he has no ill will towards the officers, "he believed they were doing their job". His only complaint was that his mother and father were close by and could have been struck."

Scene

On March 23, 2022, CDMCS detectives photographed the scene at 71 Tioga Street, Torrington.



Outside of House



Outside of House



Knife used by Brian Dungan and seized by Officer Kiesel³

³ Officer Kiesel's BWC shows him picking up a knife and putting it on this shelf. (See link at page 9)



Knife with Placard



Shell Casings (Circled in Red)



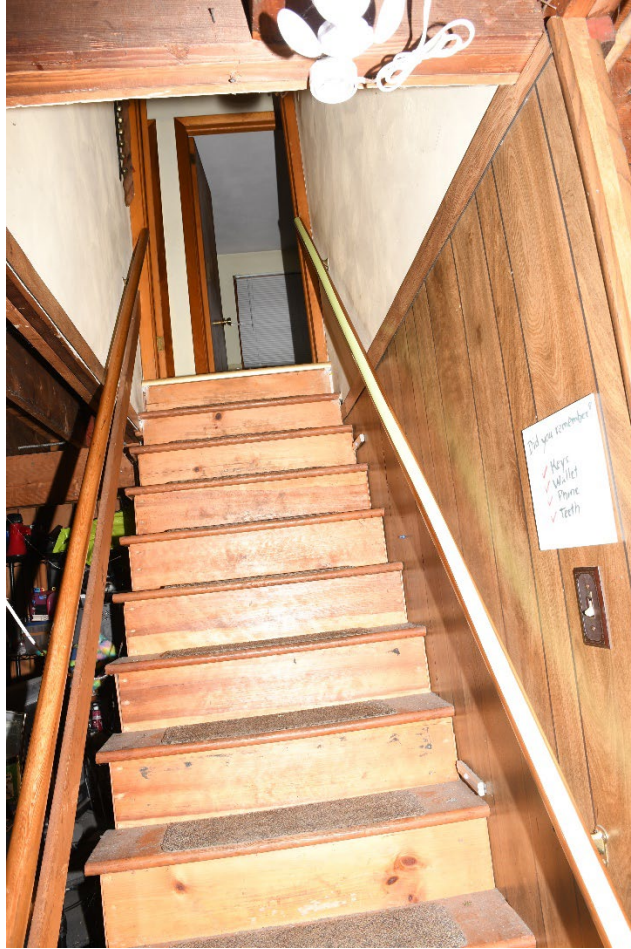
Shell Casing with Placard



Shell Casing with Placard



Shell Casing with Placard



Basement Stairs





Hallway of Kitchen



Doorway into Kitchen



Basement



Basement



Officer Kisiel's Taser



Brian Dungan's Jacket with Taser wires



Damaged Chair and Wall

Hospital Records

On March 23, 2022 at approximately 5:53 p.m., Brian Dungan arrived at Hartford Hospital via Lifestar. He was discharged from the hospital eight days later on March 31, 2022. Dungan presented to the Emergency Department with five gunshot wounds (one to the left chest and four to the right arm⁴). A CT scan showed a left side hemopneumothorax, left pulmonary hemorrhage, left fifth rib fracture, and concern for right radial artery occlusions. He went to the OR urgently for left thoracotomy with resection lung wedge, and exploration of the right forearm wound. Bullet fragments near his spine at level T10 were left in place. These medical interventions were successful. Given his depression and excessive alcohol use, Dungan agreed to be discharged to St. Vincent's Hospital for inpatient psychiatric rehabilitation.

Regarding the incident, a note of an interview with Dungan and his mother states:

"Yesterday he found out that his father has bladder cancer and communicated this fact to his estranged children. He then explained that they proceeded to belittle him and put him down via text. Noting that this is a sensitive spot for him emotionally. He then purchases 2 bottles (750 mL) of whiskey – Jim Beam and remembers consuming the first bottle before returning

⁴ One bullet cause all four wounds to the right arm with an entrance and exit wound to both the forearm and upper right arm.

home and does not remember completely consuming the others. He denies any recollection of his day thereafter.

“His mother was home when he arrived and his mother explained that it appeared that Brian had a “dark cloud around him.” Explaining that he was working on the bathroom in the basement and would become short with her when they were talking. She also received a phone call from the patient’s brother who indicated to her that “Brian was not thinking right” and she commented that he appeared to be slurring his words and mumbling incomprehensibly.

“It is reported that his brother sent for a wellness check given concerns Brian may harm himself. It is at the wellness check that the patient was injured in an altercation with the police.”

The hospital ordered a toxicological screen of Dungan’s urine and blood. The urine screen was positive for cannabinoid, fentanyl, and benzodiazepine. The blood screen showed an ethanol level of 190 mg/dL.

FINDINGS

The investigation supports the following findings of fact:

1. On May 23, 2022, Brian Dungan was a fifty-three year old Caucasian male. Divorced, he lived in the basement of his parents’ home at 71 Tioga Street, Torrington, CT. He suffered from depression and has issues with substance abuse.
2. On the above date, Brian Dungan learned that his father had bladder cancer. After a difficult conversation with his estranged adult children about their grandfather’s medical condition, he consumed an excessive amount of alcohol.
3. At approximately, 4:32 p.m., Brian Dungan called his brother, State Trooper Roy Dungan. During the conversation, Brian slurred and mumbled his words and Roy concluded that his brother was highly intoxicated. Brian asked Roy, “What do I have to do to get a State Trooper to shoot me?” Alarmed, Roy called Litchfield County Dispatch and requested a wellness check on Brian at 71 Tioga Street. Roy also called his mother, Marcia Dungan, and expressed concerns about Brian.
4. Litchfield County Dispatch sent Torrington Police Department Officer Jeffrey Buzzi and Officer David Kisiel to check Brian Dungan’s condition. Dispatch advised the officers that Brian Dungan was reportedly intoxicated and had access to knives.

5. At approximately 4:40 p.m., Officer Buzzi arrived at 71 Tioga Street. He was met outside by Marcia Dungan. She led Officer Buzzi inside and told him that Brian was in the basement. Officer Kisiel arrived on scene shortly after Officer Buzzi. Marcia Dungan also met him outside and directed him inside the house.

6. Officer Buzzi proceeded down the basement stairs calling out “Brian” and identifying himself as a Torrington police officer. He could hear the sound of crying. Once in the basement, he saw Brian laying on the floor next to a bed. When Officer Buzzi approached, Brian sprang up, displayed a knife and charged at Officer Buzzi yelling “Fuck you, fuck you.”

7. With his weapon drawn, Officer Buzzi moved backward up the basement steps repeatedly directing Brian to drop the knife. Undeterred, Brian proceeded up the steps at a rapid pace displaying the knife and saying, “Kill me” and, “You better get a gun.”

8. In the kitchen hallway at the top of the stairs Officer Buzzi was joined by Officer Kisiel. Marcia Dungan was also in the kitchen hallway and her husband was seated at the kitchen table.

9. Brian Dungan entered the hallway from the basement stairs and continued to pursue the officers. Officer Kisiel discharged his Taser in an effort to immobilize Brian – but the Taser had no effect.

10. Near the end of the hallway, Brian Dungan advanced on the officers. As he closed the distance between himself and the officers, Officer Buzzi fired his department-issued handgun three times. Two bullets struck Brian causing him to fall to the floor. A third shot, fired as Officer Buzzi fell backwards, likely struck the chair that was at the end of the hallway (see photo at page 23). He continued to curse at the officers. Officer Kisiel retrieved the knife and placed it on a shelf. The officers then provided medical aid to Brian until other police personnel arrived on scene.

11. Brian Dungan was transported via Lifestar to Hartford Hospital. He underwent emergency surgery to repair the damage from the bullet wound to his left chest. Brian remained in the hospital for eight days and was discharged on March 31, 2022.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on March 23, 2022, 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

Under Connecticut law as applicable here, a determination as to whether a police officer's use of deadly force was objectively reasonable requires, in part, consideration of four questions:

1. Did the officer, as a matter of fact, actually – that is honestly and sincerely – believe that he/she or a third person was facing either the actual or imminent use of deadly force when the officer used deadly force?

2. Was that actual belief reasonable in the sense that a reasonable police officer in the officer's circumstances at the time of the officer's actions, viewing those circumstances from the officer's point of view, would have shared that belief?

3. Did the officer, as a matter of fact, actually – that is honestly and sincerely – believe that the use of deadly force was necessary to defend himself/herself or a third person from such threat?

4. Was that actual belief reasonable, in the sense that a reasonable police officer in the officer's circumstances at the time of the officer's actions, viewing those circumstances from the officer's point of view, would share the belief that deadly force was necessary?

Additionally, the reasonableness of the officer's conduct also turns on whether (1) the subject possessed a deadly weapon (or appeared to), (2) the officer attempted reasonable

de-escalation measures, and (3) the situation was not precipitated by the officer's own conduct.


In the present case, Officer Buzzi fired his handgun because he honestly believed that he, along with Officer Kisiel, faced the imminent use of deadly physical force by Brian Dungan. This belief was reasonable because a reasonably trained police officer in the same circumstances would have believed the same thing. Officer Buzzi 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 share the belief that deadly force was necessary.

In addition, Brian Dungan clearly possessed a weapon capable of inflicting serious physical injury. Moreover, given the sudden manner in which events unfolded, there was no reasonable opportunity to employ de-escalation techniques. Finally, the use of deadly force was not precipitated by police conduct.

CONCLUSION

The investigation establishes that Officer Jeffrey Buzzi used deadly force against Brian Dungan to stop Dungan's attempted knife attack. I therefore conclude that Officer Buzzi's use of force was justified under Connecticut law. The Office of Inspector General will take no further action on this matter.

Submitted, this 16th day of June, 2023.

A handwritten signature in blue ink that reads "Robert J. Devlin, Jr." with a stylized flourish at the end.

ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL

ADDENDUM

Suicide by Cop

This is the third report that I have issued involving Suicide by Cop (SbC).⁵ As I noted in those earlier reports, the FBI estimates that as many as thirty percent of officer-involved shooting incidents involve SbC.

In general, Connecticut does a good job at suicide prevention. Our yearly suicide rate of about eleven deaths per one hundred thousand people is among the lowest in the country. The POSTC police cadet training includes instruction on SbC and, in addition, about 800 officers per year attend suicide prevention and SbC training provided by the CT Alliance to Benefit Law Enforcement (CABLE).

Two excellent resources in this area that I came across in my research are the following:

Suicide by Cop: Protocol and Training Guide

Police Executive Research Forum (PERF)

<https://www.policeforum.org/suicidebycop>

This guide prepared by the PERF includes practical recommendations for both responding officers and dispatchers. The training videos are particularly good.

Suicide by Cop: A New Perspective on an Old Phenomenon

Alexandra Jordon, Nancy R. Panza, and Charles Dempsey

<https://journals.sagepub.com/doi/10.1177/1098611119873332>

This study examined 419 SbC cases documented by the Los Angeles Police Department Mental Evaluation Unit (LAPD MEU). The cases included circumstances where MEU officers shot a subject along with cases where less lethal or no force was used. The results revealed similar

⁵ The other reports are: [Report Concerning the Use of Deadly Force by the Hartford Police Department on December 26 2020](#) (pertaining to the fatal shooting of Shamar Ogman), and [Report Concerning the Use of Deadly Force by the Meriden Police Department on February 12, 2021](#) (pertaining to the nonfatal shooting of Kenneth Strothers).

subject characteristics as in previous studies based on officer-involved shootings, but substantial differences in outcomes with a much lower rate of injury or death. In general, the OIS-based studies of SbC showed a fatality rate of 51%. The LAPD MEU SbC cases has a 1% rate of death.

The results of this study paint a more positive picture of SbC outcomes for police and subjects alike.