

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning the Use of Deadly Force by the Connecticut State Police
on December 21, 2023, Resulting in the Death of Vaughn Malloy

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TABLE OF CONTENTS

INTRODUCTION 4

INVESTIGATION..... 5

ARREST WARRANT / SEARCH WARRANT 5

STATEMENTS..... 7

 TROOPER CHRISTOPHER CHURCH 7

 TROOPER JARRED BOLDUC 9

 SERGEANT SEAN PADDOCK..... 11

 TROOPER GREGORY FASCENDINI 13

 CIVILIAN WITNESSES 15

SCENE 16

FIREARMS UNIT 42

OCME..... 43

K9 NECROPSY 46

DIGITAL EVIDENCE..... 46

FINDINGS 47

LEGAL STANDARD 49

ANALYSIS..... 50

CONCLUSION 51

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Office of the Chief Medical Examiner

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INTRODUCTION

On December 21, 2023, at approximately 7:30 p.m., near 69 Mechanic Street, Pawcatuck, Connecticut, Connecticut State Police Sergeant Sean Paddock¹, and Troopers Christopher Church², Jarred Bolduc³, and Gregory Fascendini⁴ shot and fatally wounded Vaughn Malloy.⁵ As required by statute⁶, the Office of Inspector General (OIG) investigated this officer-involved shooting. The results of that investigation are contained in this report.

The investigation establishes that on December 21, 2023, members of the Connecticut State Police Tactical Unit (Tactical Unit), the Connecticut State Police Violent Crime Task Force, and the Rhode Island State Police Tactical Unit assembled near 69 Mechanic Street, Unit A, Pawcatuck, Connecticut to serve an arrest warrant on Vaughn Malloy. The troopers had determined that Malloy was in the residence. Both the Connecticut and Rhode Island Tactical Units were operating Bearcat armored vehicles. Using the Bearcat's public address system, the Tactical Unit gave multiple directives to Malloy advising him that they were there to serve a warrant and that Malloy should surrender. When Malloy failed to respond to these directives, the Tactical Unit used the Bearcat's ram to breach the front door of 69 Mechanic Street, Unit A. Shortly after this Malloy emerged from the back door of the residence. He was observed to be carrying a gun. Malloy disregarded troopers' verbal commands to stop and he ran toward Mechanic Street. At that point, Trooper Fascendini deployed a canine to apprehend Malloy. Simultaneously, members of the Tactical Unit deployed two less lethal foam tipped impact rounds at Malloy causing him to fall. The canine engaged Malloy and Malloy fired several rounds at the canine and nearby troopers. The canine was struck and killed. Sergeant Paddock, Trooper Church, Trooper Bolduc, and Trooper Fascendini returned fire fatally wounding Malloy.

¹ On December 21, 2023, Sean Paddock was a 37-year-old Caucasian male. He had been sworn member of the Connecticut State Police for 8 years, 6 months. He had no disciplinary history.

² On December 21, 2023, Christopher Church was a 38-year-old Caucasian male. He has been a sworn member of the Connecticut State Police for 10 years, 6 months. He had no disciplinary history.

³ On December 21, 2023, Jarred Bolduc was a 29-year-old Caucasian male. He had been a sworn member of the Connecticut State Police for 3 years, 6 months. He had no disciplinary history.

⁴ On December 21, 2023, Gregory Fascendini was a 36-year-old Caucasian male. Had been a sworn member of the Connecticut State Police for 11 years, 5 months. He had no disciplinary history.

⁵ On December 21, 2023, Vaughn Malloy was a 42-year-old African American male.

⁶ 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."

I have determined that the police use of deadly force was in response to the use and threatened continued use of deadly force against them. I have further determined that such use of deadly force was objectively reasonable and justified.

INVESTIGATION

Arrest Warrant / Search Warrant

April 28, 2022, Shooting Incident

The affidavit in support of an arrest warrant application for Vaughn Malloy may be summarized as follows:

On April 28, 2022, at approximately 4:44 a.m., Norwich police officers dispatched to River Road, Norwich on a report of gunshots. Officers spoke with a twenty-nine-year-old black female (Victim 1). She had sustained a gunshot wound to her right shoulder. Victim 1 told police that when she woke just before 4:30 a.m., she heard a noise coming from her front porch. When she looked out, she saw a dark figure standing in the street. The person walked to the end of River Road and about a minute later she heard gunshots. At the time of the shooting, Victim 1 was with a four-year-old child who was not injured.

Officers asked Victim 1 if she had any problems with anyone recently. She said that she had developed a friendship with a person she identified as "Zevian Malloy." About three days before the shooting, she had gotten into an argument with Malloy via text message. Victim 1 told Malloy she no longer wished to be friends with him.

Officers examined the scene and determined that three bullets penetrated the apartment one of which had struck Victim 1.

During their investigation, police examined a Ring camera video from April 28, 2022, depicting a parking lot near Victim 1's house. The video showed a white Camaro drive into the parking lot at 4:33 a.m. At 4:34 a.m., an individual wearing dark clothing exits the car and walks toward Victim 1's residence. At 4:35 a.m., the person walks back to the car but does not enter it and at 4:36 a.m., the person walks back toward Victim 1's residence. At 4:38 a.m., the person walks back to the Camaro and drives off without the headlights illuminated.

The police also determined that the phone number that Victim 1 provided for Zevian Malloy came back as a T-Mobile number associated with Vaughn Malloy.

On April 29, 2022, police located a white Camaro in the area of 211 Crystal Avenue, New London. The Camaro matched the description from the Ring camera video. Police had the vehicle towed to an impound lot. On April 29, 2022, the owner of the Camaro contacted the Norwich police. She said that she had stored the vehicle with another person identified as Ivoree Falcon. When police talked to Falcon, she said that for the past several months she had rented the car to Vaughn Malloy for \$500 per month. On May 25, 2022, police executed a search warrant for the impounded Camaro. Inside, police found several items belonging to Vaughn Malloy including debit cards and a Connecticut driver's license. Also located were two debit cards in the name Zevian Malloy. Also from the Camaro, police seized a spent 9mm shell casing and a Crown Royal bag containing ten 9mm live rounds.

Police also examined location records from the T-Mobile phone associated with Malloy. Those records placed the phone 733 feet from Victim 1's residence at the time of the shooting.

On June 20, 2022, the court issued an arrest warrant for Vaughn Malloy charging him with assault in the first degree (53a-59) and related charges. The warrant carried a court-set bond of \$500,000.

Search of 69 Mechanic Street, Unit A, Pawcatuck

The Connecticut State Police Violent Crime Task Force (Task Force) assumed responsibility to arrest Malloy on the warrant issued on June 20, 2022. As part of their investigation, they sought a search warrant for premises described as 69 Mechanic Street, Unit A, Pawcatuck CT and the person of Vaughn Malloy. The affidavit in support of the search warrant application may be summarized as follows:

The court had issued an arrest warrant for Malloy charging him with assault in the first degree and related charges arising out of an incident on April 28, 2022, in Norwich in which Malloy fired a gun into the front of 112 River Avenue, Apartment 3. A female victim was struck by the gunfire.

As of August 21, 2023, Malloy had not been apprehended. The Task Force had been attempting to locate Malloy without results. The firearm used during the assault had not been recovered.

Task Force officers investigated Malloy's Instagram account, and the phone number that was used to create the account (860-333-0943). The number was registered to Jenny Holland, 69 Mechanic Street, Unit A, Pawcatuck CT.

On November 21, 2023, Task Force officers were watching surveillance of 69 Mechanic Street and saw a black male matching Malloy's description walk out of the door to Unit A. The male was wearing a pink shirt that matched videos posted by Malloy on his Instagram account.

On December 14, 2023, Task Force officers learned that a package to be delivered to 69 Mechanic Street was addressed to "Zee" Malloy. Delivery was expected on December 15th. On December 15th, Task Force officers conducting surveillance in the area of 69 Mechanic Street observed a large bald black male taking garbage out to the sidewalk of the residence. Later that day, Task Force officers observed a postal carrier deliver a package to 69 Mechanic Street, leaving it on the front porch. Officers then saw a large black bald male with a beard retrieve the package.

On December 21, 2023, Task Force officers reviewed surveillance of 69 Mechanic Street from December 20, 2023. A black male was observed standing at the main entrance to Unit A. Norwich Detective Peter Karasuk, who was familiar with Malloy from prior police contact, positively identified the male in the surveillance video as Vaughn Malloy.

On December 21, 2023, at 4:47 p.m., a judge authorized a search warrant for 69 Mechanic Street, Unit A, Pawcatuck and the person of Vaughn Malloy.

Statements

Trooper Christopher Church

Trooper Christopher Church submitted a written report that may be summarized as follows:

On December 21, 2023, Trooper Church was assigned as a Connecticut State Police Tactical Team assistant team leader for the execution of a high-risk warrant at 69 Mechanic Street, Unit A, Pawcatuck CT. He was in the rear of the Connecticut State Police Bearcat (armored vehicle) that was positioned at the front side of the target residence. The equipment he had included a Penn Arms 40mm less lethal launcher loaded with a foam baton round and a JP-15 police rifle. A second Bearcat from the Rhode Island State Police Tactical Team was positioned in the rear of the target residence. The suspect was identified as Vaughn Malloy

(DOB 7/22/81) who had been the subject of a Connecticut State Police Violent Crime Task Force investigation that led to an active arrest warrant for assault first degree (53a-59), unlawful discharge of a firearm (53-202), and related charges. The investigation also led to an active search warrant for 69 Mechanic Street, Unit A and the person of Vaughn Malloy. The firearm used in the assault case had never been recovered and police believed that it was likely still in Malloy's possession.

Prior to reaching the target residence, troopers attached the Bearcat ram to the front of the vehicle. At the target residence, red and blue emergency lights were activated, and verbal commands were issued using a long range acoustic device calling Malloy by name and giving him instructions on how to exit the house. The Bearcat then breached the front door of Unit A. Trooper Church then asked Trooper Coutu to open the rear Bearcat doors.

The report continues:

"Within approximately 1 minute of opening the rear bearcat doors I began to hear yelling but could not make out what was being said. At the same time, I began to hear a dog bark which was later identified as K9 Broko with his handler TFC Fascendini. Everyone from the rear of the Bearcat exited the rear doors and began to hold security on the target house. I went first to the rear passenger side corner of the Bearcat and held lethal security on the front of Unit A with my assigned JP-15 rifle. I was only there a few seconds when I heard Trooper Coutu yelling from the rear driver side corner of the Bearcat that the suspect was running and yelled for a "40" (40mm less lethal launcher). I transitioned to my 40mm launcher and moved to the rear driver side section of the Bearcat. I observed a black male (Suspect) running towards our location from the driveway of 69 Mechanic Street towards our Bearcat. I began to aim and track the suspect with the red dot optic mounted to my 40mm launcher. I was focused on the lower center mass target area to deploy the 40mm launcher. With the Suspect actively resisting State Police commands/arrest I determined that it was reasonable and proportional use of force to engage him with the 40mm high velocity round. The round struck him just after SGT Paddock engaged him with his assigned Penn Arms 40mm less lethal launcher with a High Velocity foam baton round. Both High Velocity rounds hit the Suspect, and he fell to the ground/sidewalk on the shoulder of the Northbound lane of Mechanic Street. Just as he fell, K9 Broko had been deployed by TFC Fascendini and reached the Suspect and bit him. I transitioned back to my rifle for lethal cover and began to move towards the Suspect. As I approached the Suspect with other Tactical Team Operators, the suspect began to fire a handgun towards K9 Broko and TFC Fascendini. K9 Broko was hit several times and TFC Fascendini's assigned vehicle was struck several times. Directly behind TFC Fascendini's vehicle was an occupied unrelated third party residence. At this time, I feared for the safety and lives of myself, other Troopers on scene and

the occupants of the occupied third party house. I determined it was necessary, reasonable and proportional to return fire on the Suspect with my JP-15. I fired one round from my rifle before experiencing a malfunction and failure to feed the next round. By the time I assessed the issue with my rifle, the suspect no longer had the gun in his hand and was lying on his back on the sidewalk. I used my rifle mounted flashlight to hold on the suspect and issue him verbal commands, first to not move, then to put his hands up. As several Troopers fired rounds at the Suspect, the decision was made to return to the safety of the Bearcat to check ourselves over for injuries and form a contact team to move up and cuff and provide medical attention to the Suspect.”

Following the incident, Trooper Church cleared the malfunction in his rifle, ejecting a live round onto the ground.

Trooper Jarred Bolduc

Trooper Jarred Bolduc submitted a written report that may be summarized as follows:

Trooper Bolduc was a member of the State Police Tactical Unit called out to execute a search warrant and a felony arrest warrant issued for Vaughn Malloy and the target location of 69 Mechanic Street, Unit A, Pawtucket. Trooper Bolduc was inside the State Police Bearcat seated on the driver’s side bench. On the way to the target location, he and other troopers installed the external mounted ram to the front of the Bearcat. The Bearcat proceeded to a position on Mechanic Street facing the front of the residence.

Once in position, a trooper, using the Bearcat’s public announcement system, called out that they were the Connecticut State Police and Vaughn Malloy should come to the door with his hands up and nothing in his hands as they had a warrant. The announcement was made four times, but there was no response. Based on intelligence that Malloy was inside the house, the decision was made to breach the front door using the Bearcat’s ram. Trooper Bolduc and Trooper Coutu opened the Bearcat’s rear doors and propped them in the open position.

The report continues:

“Within approximately thirty (30) seconds to a minute of waiting for a response and observing what could be seen within the residence, TFC Fascendini’s K9, Broko, proceeded to loudly bark as they were positioned on the eastern travel lane of Mechanic St facing in the western direction. Fascendini remained positioned with K9 Broko from a position of cover alongside the passenger side “A” pillar of his vehicle. As K9 Broko proceeded to bark and I heard yelling

coming from the "C" side of the residence as someone yelled out from the "C" side, "Gun!" Tpr Coutu, Sgt Paddock, Tpr Augenstien, TFC Charette, TFC Church and I exited the bear cat. As I stepped out of the bear cat onto Mechanic St., I observed Tpr Coutu to my lateral right side with a shield, and I observed to my approximate three (3) o'clock direction, beyond Tpr Coutu, was a dark silhouette running along the "B" side of the residence heading toward Mechanic St. I observed the silhouette to be an obese black male as he ran without shoes on, his right hand motioning forward and back as he ran, and his left hand in the front side of his boxer briefs appearing to be holding something. I observed the black male to be running with an exaggerated high knee movement. I observed the black male to match the description/ pre-operation briefing photo of Vaughn Malloy which was posted on a white board at Stonington Police Department where the pre-operation briefing was held. As I observed this, Tpr. Coutu positioned slightly forward of the CSP bear cat driver side pillars as he called out "forty (40) up!" Sgt Paddock quickly got into position in front of me and fired one (1) non-lethal foam tipped impact round at Malloy. Malloy continued running after being hit with the 40mm non-lethal foam impact round as I moved online with Sgt Paddock to his lateral left side. Malloy proceeded to run between the driver side of the CSP bear cat and TFC Fascendini's vehicle as Malloy continued running in the eastern direction between our vehicles. TFC Church then fired a second (2nd) 40mm non-lethal foam tipped impact round. Upon Malloy being hit with the non-lethal 40mm non-lethal impact round, Malloy fell face down on the sidewalk closest to the western travel lane of Mechanic St. TFC Fascendini had made multiple K9 announcements up to this point and released K9 Broko nearly simultaneously to the second (2nd) 40mm non-foam tipped impact round being fired by TFC Church. K9 Broko ran toward Malloy and then bit on to the upper right arm of Malloy. K9 Broko maintained his bite as TFC Church, Tpr. Augenstien, TFC Charette, Tpr. Coutu, Sgt Paddock, and I moved toward Malloy as we were online with each other. As we moved toward Malloy, I heard two (2) gun shots come from Malloy as I then immediately heard K9 Broko yelp, release from his bite and fall off Malloy. Malloy then came to a seated upright position and presented a handgun straight out and perpendicular to the ground at approximately shoulder height, as Malloy pointed the firearm directly at TFC Fascendini. Malloy proceeded to fire his first (1st) round. I observed the gun in Malloy's hand as he actively was firing at TFC Fascendini in a significantly clear and active effort to kill State Troopers on scene. In a committed effort to prevent the serious injury and/or death of Tpr. Fascendini, innocent parties within #71, and other State Troopers on scene, I proceeded to stop moving toward Malloy, I raised my JP-15 rifle and aimed at Malloy's upper abdomen using my NX-8 Nightforce scope, and I proceeded to fire approximately five (5) rounds into Malloy. Upon firing approximately five (5) rounds onto Malloy, I observed Malloy to fall backward to the ground, all gun fire stopped."

After the shooting, Trooper Bolduc observed Malloy's firearm to his right side. Troopers began to provide medical aid to Malloy until the arrival of paramedics who transported Malloy to the hospital.

Sergeant Sean Paddock

Sergeant Sean Paddock submitted a written report that may be summarized as follows:

On December 21, 2023, Sergeant Paddock was assigned to the Connecticut State Police Tactical Unit as a tactical operator. He was carrying his department issued JP rifle that was loaded with a full magazine of thirty rounds of .223 ammunition. He also carried a 40mm less lethal launcher loaded with one foam baton round.

Upon arrival at the scene, the Bearcat was located at the Alpha (front) side of the residence nearest Mechanic Street. Sergeant Leslie began making several announcements over the loudspeaker to Vaughn Malloy that they were the Connecticut State Police with an active arrest warrant for him. While these announcements were being made the overhead red and blue lights were activated. When no response was forthcoming, the Bearcat moved forward and breached the front door using the Bearcat's ram. The Bearcat then backed up and resumed the announcements.

The report continues:

"After another couple of minutes of announcements, Malloy failed to come to the front door with his hands up and empty. TFC Church then instructed TFC Coutu to open the rear doors of the bearcat so we could exit promptly if needed. As TPR Coutu opened the rear door, we could hear TFC Fascendini's K9 Broko barking. TPR Coutu then states that he could hear something going on. I then exited the rear of the bearcat with my non lethal multi launcher in hand. I stood at the rear of the bearcat when I heard TPR Coutu yell that Malloy was running and he called for the 40mm non lethal launcher. I proceeded to go to the rear driver side of the bearcat and observed Vaughn Malloy running from the rear of the residence and south onto Mechanic Street. I observed TFC Fascendini and K9 Broko by the front passenger side of his vehicle which was located on the south side of the residence. Malloy ran between myself and TFC Fascendini.

"Through my training and experience, I believed that Malloy was already a threat to the general public as well as to law enforcement. However, should he escape the perimeter into a residential area at a time most residences were occupied, he may commit other serious offenses to evade arrest, including but not limited to carjackings or home invasions, which

posed an imminent threat to the general public residing in the area. Based upon the serious nature of the crimes Malloy was wanted for, the fact that he was believed to be in possession of a firearm, that he was actively fleeing to resist lawful arrest, the danger posed to the public should he escape, and the danger posed to myself and surrounding law enforcement, I made the decision that it was necessary to fire my less lethal 40mm multi launcher to apprehend Malloy.

“As I observed Malloy flee south on Mechanic Street, I moved south of the bearcat and into position where I could get a safe and accurate shot at Malloy. I aimed my 40mm non lethal multi launcher to the rear lower portion of Vaughn Malloy. I clearly and loudly announced 40, 40, 40 and fired one (1) high velocity foam baton making contact. Vaughn Malloy began to stumble and TFC Church fired another high velocity foam baton from his assigned non lethal multi launcher, knocking Malloy to the ground. I then observed K9 Broko engage Malloy on his right arm while he was on the ground near the sidewalk. Our team; TFC Church, TPR Coutu, TPR Bolduc, TPR Augenstein, and myself began to move up to apprehend Malloy. Malloy was actively resisting arrest by flight and posed an immediate threat to the general public as he attempted to break our perimeter. From the failure to comply with our lawful commands, actively fleeing arrest, I believed it was necessary and reasonable to apprehend Malloy as soon as possible to prevent any further danger to citizens and law enforcement.

“As I moved towards Malloy, I was in the process of reloading my 40mm non lethal multi launcher when I heard two loud bangs which I immediately identified as gun fire. I could see Malloy holding onto a handgun which he pressed up against Broko as I heard the loud bangs. I could see K9 Broko release from Malloy’s arm along with a loud yelp of pain. I then proceeded to see Malloy holding the firearm with his right hand with several additional loud bangs associated with muzzle flashes. When Malloy began to fire his gun, I knew that TFC Fascendini was directly in front of him. I also knew that myself and teammates were approximately 20 ft north of Malloy and not behind cover.

“As a result of Malloy intentionally discharging his firearm at me and my fellow State Troopers, attempting to effect his arrest and recklessly exposing the occupants of residences to serious injury or death, I had no other option than to return fire with my issued JP rifle to defend myself, other Troopers, and the public from Malloy’s attempts to inflict death or serious bodily injury upon myself or others. Malloy’s action left no other reasonable alternative to defend myself, other Troopers, the public and to prevent the escape and to affect the arrest of Malloy who was a dangerous fleeing felon who poses an imminent risk of death or serious injury to law enforcement officers and the general public in the immediate vicinity.

“When I saw muzzle flashes, I needed to transition to my rifle to stop the immediate threat. Vaughn Malloy was pointing his firearm in our direction as he pulled the trigger over and over. I quickly transitioned by dropping my non lethal multi launcher and getting my rifle up and on target. I fired an unknown number of rounds at Vaughn Malloy while he engaged our team with lethal fire. I continued to engage Malloy with my rifle until I saw him drop his handgun to the right side of his hip and his body language change. Once I was able to identify that the imminent threat was stopped, I stopped firing and placed my weapon back on safe and reassessed the immediate threat.”

Following the shooting, Sergeant Harkins provided medical aid to Malloy. Sergeant Paddock observed a large laceration to Malloy’s right upper arm. Sergeant Paddock applied a tourniquet to the upper right arm to stop the bleeding. Troopers continued to provide medical aid until the paramedics arrived on scene and transported Malloy to the hospital.

Trooper Gregory Fascendini

Trooper Fascendini submitted a written report that may be summarized as follows:

Trooper Fascendini was assigned to the Connecticut State Police Emergency Services K9 Unit. On December 21, 2023, he was assigned K9 Broko. On that date, he was notified that the Connecticut State Police Tactical Unit was planning to serve an arrest warrant for Vaughn Malloy and K9 teams were needed to assist in the operation. Trooper Fascendini and Broko were assigned a perimeter location for the target address, which was 69 Mechanic Street, Pawcatuck.

Trooper Fascendini arrived at Mechanic Street at approximately 7:30 p.m. He observed the Connecticut State Police armored vehicle breach the front door and heard multiple verbal commands over the armored vehicle’s loudspeaker stating that they were Connecticut State Police and they had a warrant for Vaughn Malloy and for Malloy to come to the front door with his hands up and nothing in his hands. Upon hearing a radio transmission that Malloy was moving about inside the residence, Trooper Fascendini removed Broko from his vehicle. He took a position on the passenger side of his vehicle. Trooper Fascendini then observed an individual, whom he recognized as Vaughn Malloy, running in front of his vehicle.

The report continues:

“I made the decision that it was necessary to deploy K9 Broko to apprehend Malloy. I clearly and loudly yelled at least one K9 announcement, to the effect of “State Police with K9 stop or you will be bit.” Malloy disregarded my announcement as well as the multiple announcements

made earlier through the loudspeaker/PA system and continued his attempt to flee. I believed it was necessary and reasonable to apprehend Malloy as soon as possible to prevent any further danger to citizens or law enforcement. If Malloy made it past my position, he would have contacted multiple occupied residences and the occupants in the area. I deployed K9 Broko giving him multiple commands to apprehend Malloy. The situation and threat that it presented arose so quickly that I was unable to remove the six (6) foot patrol leash from K9 Broko. Simultaneous to my deployment of K9 Broko to apprehend Malloy, Malloy was struck by two less lethal impact munitions fired by members of the Tactical Team which cause him to fall to the ground on the east side of the roadway, at the edge of the roadway and the concrete sidewalk. K9 Broko reached Malloy's location at nearly the same time he fell to the ground and immediately engaged Malloy on his upper right arm, bicep/tricep area. Malloy then utilized his left hand and pressed a firearm into the left side of K9 Broko and fired multiple times. After he was shot multiple times by Malloy, K9 Broko released his grasp, uncontrollably backed away approximately 5 to 10 feet into the roadway, while whining and crying and fell down. Immediately after deploying K9 Broko to apprehend Malloy, I began to move my position from the front passenger side of my vehicle to the rear of my vehicle as cover and concealment. Upon K9 Broko releasing his grasp Malloy continued to fire his firearm in the direction of myself and other Troopers as well as the direction of occupied residences. I could see multiple muzzle flashes coming from Malloy's firearm and could hear multiple rounds being fired in my direction after K9 Broko has already been struck and released his grasp. As a result of Malloy intentionally discharging his firearm at me in an attempt to seriously injure or kill myself and other readily identifiable law enforcement officers attempting to effect his arrest and recklessly exposing the occupants of residences to my rear to serious injury or death, I had no other option than to return fire with my issued duty pistol to defend myself, other Troopers and the public from Malloy's attempts to inflict death or serious bodily injury upon myself and others. Malloy's actions left no other reasonable alternative to defend myself, other Troopers, the public and to prevent the escape and to affect the arrest of Malloy who was a dangerous fleeing felon who posed an imminent risk of death or serious injury to law enforcement officers and the general public in the immediate vicinity, I fired my issued pistol an unknown number of times until Malloy dropped his firearm and was no longer a threat."

Following the shooting, Trooper Fascendini dragged K9 Broko to the rear of his vehicle and attempted medical aid. Despite these efforts, K9 Broko lost pulse and became deceased.

Trooper Fascendini was outfitted with a camera affixed to his helmet. In his report, he states, “I did not have the opportunity to safely activate my helmet mounted camera.”⁷

Civilian Witnesses

On the evening of the shooting and the days following, OIG inspectors conducted a neighborhood canvas of Mechanic Street to see if anyone had information pertinent to the investigation.

Witness 1

On December 21, 2023, at approximately 10:55 p.m., inspectors interviewed Witness 1 who lived on the second floor of premises next door to 69 Mechanic Street. Witness 1 stated that between 7:30 and 8:00 p.m. while he and his wife were watching a movie, he heard loud commands being given outside on a speaker. Witness 1 looked out the window and saw a man running from the back of the house next door. Witness 1 stated he saw a police canine going after the man. According to Witness 1, when the man went down, he thought he had a gun and at that point shots started going off.

Witness 2

On December 21, 2023, at approximately 11:03 p.m., inspectors interviewed Witness 2 who lived on the third floor of premises next door to 69 Mechanic Street. Witness 2 stated that he was sleeping when he was awakened by police commands being given on the loudspeaker. Witness 2 said that he looked out the window and saw a guy coming from around the side of the house next door “carrying a gun or something resembling a gun.” At that time, a dog was “sicked” on the man and the man appeared to be holding or grabbing for a gun. Witness 2 stated that he did not see the man fire his weapon but did see him holding the gun. Witness 2 stated that he did see the officers fire at the man. He had never seen the man prior to tonight.

Witness 3

On January 4, 2024, inspectors continued their neighborhood canvas. At 50 Mechanic Street they interviewed Witness 3 who was asked if she heard anything on the night of December 21, 2023. Witness 3 said that she was in her kitchen at 7:44 p.m. that night she heard a loud

⁷ General Statutes §29-6d(c)(1) requires; “Each police officer shall use body-worn recording equipment while interacting with the public in such sworn member’s law enforcement capacity ...”. The camera should have been activated upon or just before the Trooper’s arrival on scene of this “high risk” operation.

announcement coming from outside. She went outside her back door and walked to the front of her residence. She observed several “officers and SWAT” down the street and that the police continued to make messages over a PA system stating, “Vaughn Malloy this is the State Police we’re here for a warrant come to the door with nothing in your hands.” Witness 3 stated these announcements were made over and over for like fifteen minutes. She then heard officers screaming and dogs barking. She then heard gunshots that lasted about thirty seconds. Witness 3 states that she never saw Malloy and that in her opinion the officers did everything they should have, and they gave him every opportunity.

Witness 4

At 75 Mechanic Street, inspectors interviewed Witness 4 who stated that she was standing in her kitchen that night and heard “muffled shots.” She went outside and walked up the driveway and saw police who were making announcements stating, “Vaughn Malloy Connecticut State Police we have a warrant come out with your hand up walking backwards. Witness 4 then saw “that guy run across the street” and the police yelled “he’s got a gun.” She then saw the “dog booking after him and then shots were fired.” Witness 4 stated that she did not see Malloy with a gun but she “did hear shots coming from where he was” which led her to believe that Malloy was firing at the police. She then heard a dog yelp, and the officers fired back. Witness 4 saw Malloy go down and the ambulance arrived within seconds.

Scene

The scene consisted of Mechanic Street in the Pawcatuck section of Stonington, CT and the K-9 vehicle parked on Mechanic Street. Mechanic Street runs generally in a north/south direction. The residence at 69 Mechanic Street and the front door of 69A Mechanic Street face east.





[Photo of house]



[Bearcat]



[Bearcat]



[Rhode Island Bearcat]



[Rhode Island Bearcat]

A tan Polymer 80 9mm handgun S/N P940SC with an empty magazine was located on the sidewalk adjacent to the northbound lane of travel on Mechanic Street. The pistol was across the street from and south of the residence at 67 Mechanic Street.



[Photo of Malloy's Gun]

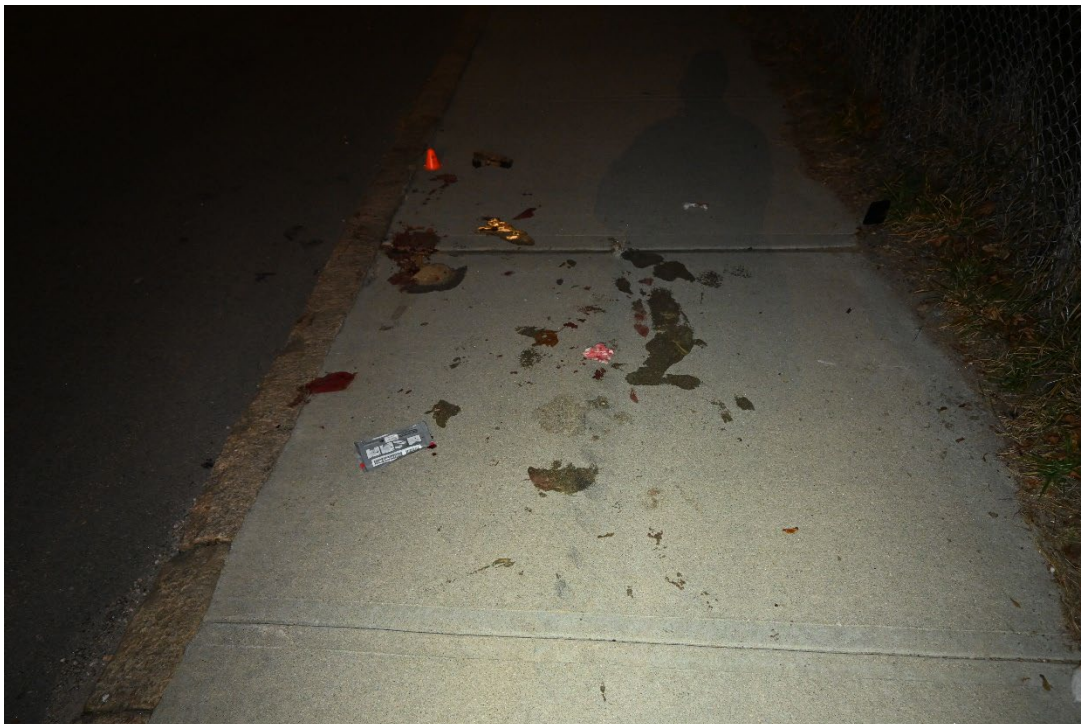


[Photos of Malloy's Gun]



[Photo of Malloy's Gun]

On the sidewalk in the area of the pistol, there was a blood-like substance. Blood-like substance was also located in several areas of the sidewalk as well as Mechanic Street.



[Photo of Blood Stains]



[Photo of Blood Stains]

Numerous shell casings were located on the sidewalks adjacent to the northbound and southbound lanes of travel on Mechanic Street as well as in the roadway.



[Photos of Casings]



[Photos of Casings]



[Photos of Casings]



[Photo of Casings]

Eastern District Major Crime Squad (EDMCS) detectives marked the scene with thirty-one yellow placards. Placards #1–25 marked items in the northbound lane of travel and adjacent sidewalk of Mechanic Street. Placards #26-39 marked items in the southbound lane of travel and adjacent sidewalk of Mechanic Street.



[Photo Placards]





[Photo Placards]

A Ford Expedition bearing CT registration 2AWAA4 was parked in front of 71 Mechanic Street in the southbound lane facing north adjacent to the sidewalk. This was the K9 vehicle used by Trooper Fascendini.

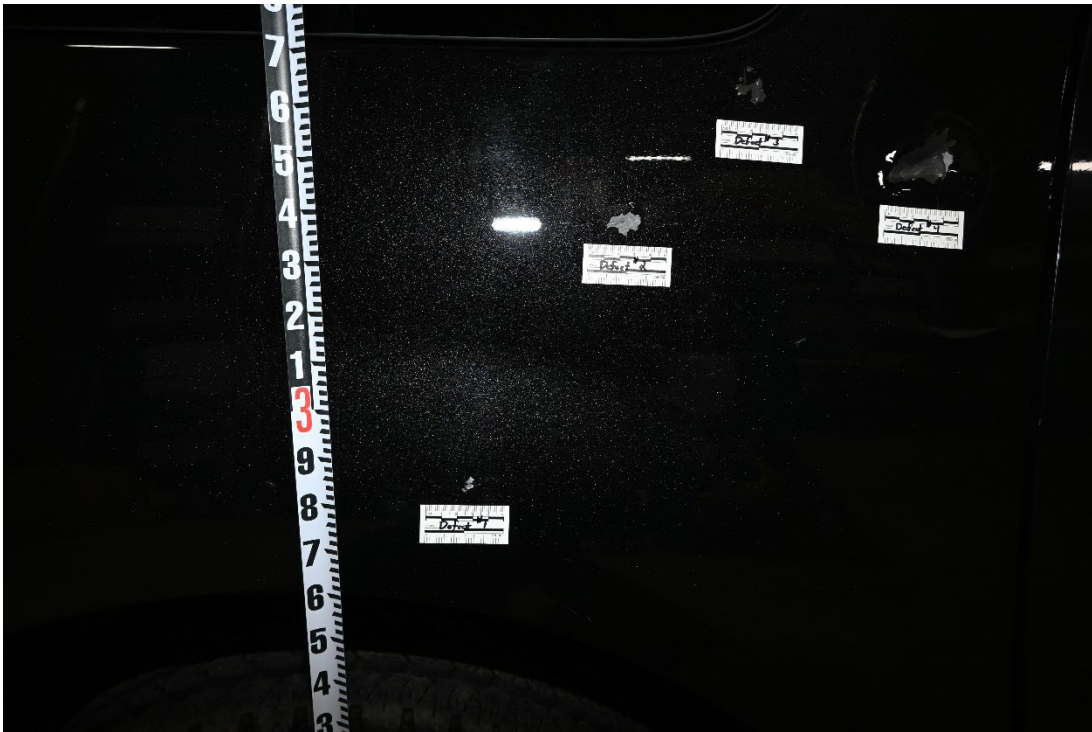


[Ford]

Detectives noted seven defects in the passenger side of the vehicle.



[Bullet holes]



[Bullet holes]



[Bullet holes]

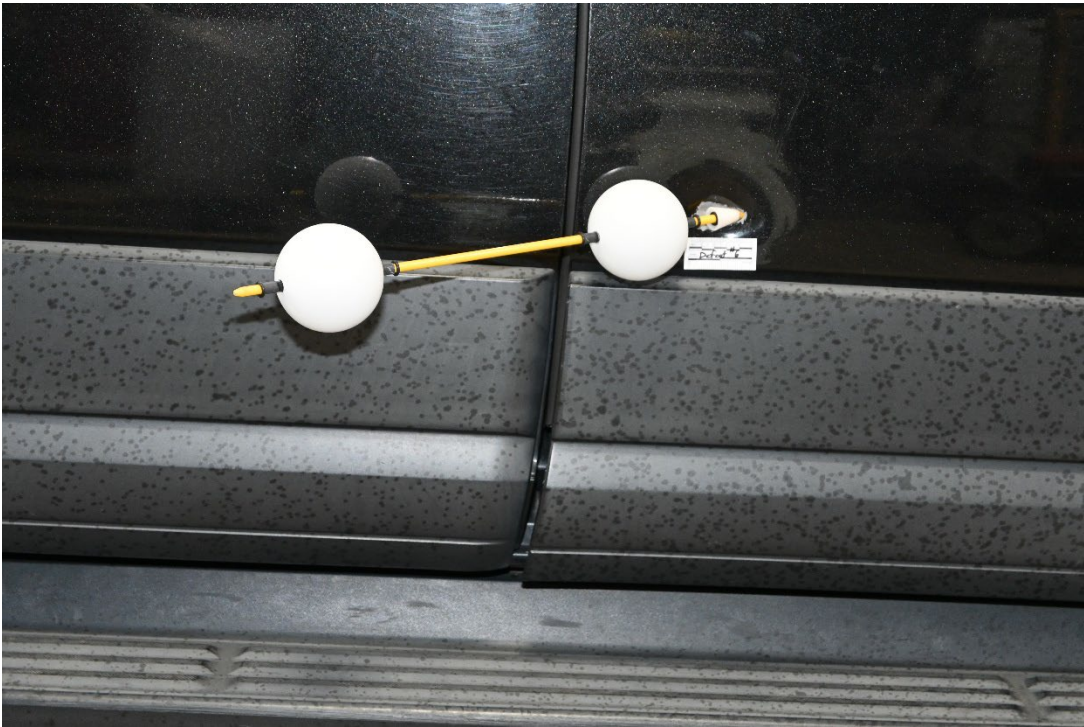
The right rear tire was flat, and detectives observed a defect on the sidewall of the tire. Inside the tire, detectives observed three metal fragments.





[Tire]

Upon removal of the interior panel of the front passenger door, detectives observed a metal fragment. A directional rod was placed through the defects in the front passenger door.



[Photo of Rod through Door]

EDMCS detectives seized numerous items of firearm-related evidence. The following is most relevant to this OIG investigation.

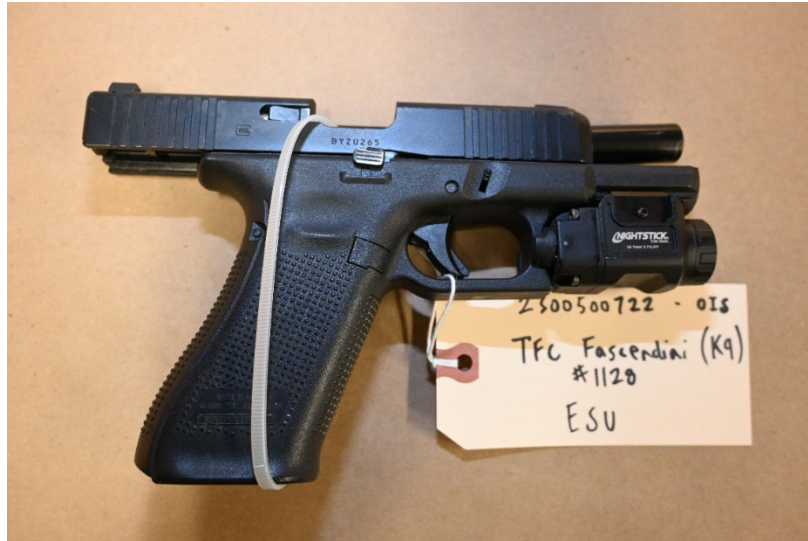
EXHIBIT

ITEM

Firearms

501

Glock 45 (mm pistol, S/N BYZU265 from TFC Fascendini



[Photo of TFC Fascendini's Gun]

502

JP Enterprise JP-15 multi caliber rifle S/N JPN1703711,
from Tpr. Bolduc



[Photo of Tpr. Bolduc's Gun]

503

JP Enterprise JP-15 multi caliber rifle, S/N JPN1703745,
from Sgt Paddock



[Photo of Sgt. Paddock's Gun]

504

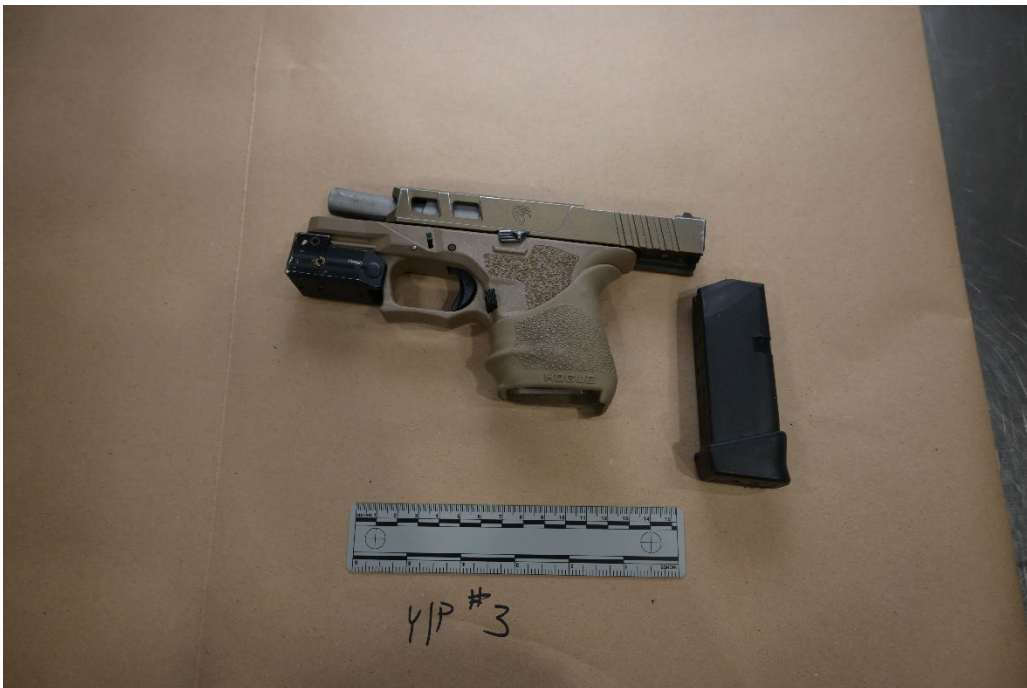
JP Enterprise JP-15 multi caliber rifle, S/N JPN1703507
from TFC Church



[Photo of TFC Church's Gun]

516

Tan Polymer 80 9mm handgun, S/N P940SC from Vaughn Malloy's location



[Malloy's gun]

Shell Casings / Live Round

- 518 "Win 9mm luger" spent shell casing, YP2, from east side sidewalk area
- 522 "Win 9mm luger" spent shell casing, YP4, from east side sidewalk area
- 523 "Win 9mm luger" spent shell casing, YP5, from east side sidewalk area
- 524 "Win 9mm luger" spent shell casing, YP6, from east side sidewalk area
- 525 "ZQ 9mm 20" spent shell casing, yp7, from east side sidewalk area
- 526 "ZQ 9mm 20" spent shell casing, YP8, from east side sidewalk area
- 527 "ZQ 9mm 20" spent shell casing, YP9, from east side sidewalk area
- 528 "F.C. 9mm+P" spent shell casing, YP38, from west side sidewalk area
- 531 "F.C. 9mm+P" spent shell casing, YP37, from west side sidewalk area.
- 537 "F.C. 9mm+P" spent shell casing, YP36 from west side sidewalk area
- 534 "F.C. 9mm+P" spent shell casing, YP39, from west side sidewalk area
- 543 "F.C. 9mm+P" spent shell casing, YP 35, from west side sidewalk area
- 545 "F.C. 9mm+P" spent shell casing, YP29, from roadway outside of 69A Mechanic St.
- 551 "9mm Rem P.C. spent shell casing, yp31, from roadway outside of 69A mechanic St.
- 552 "9mm Rem P.C.+P" spent shell casing, YP34, from west side sidewalk area
- 556 "9mm Rem F.C.+P" spent shell casing, YP28, from roadway outside of 69A Mechanic St.
- 558 "9mm F.C.+P" spent shell casing, YP26, from roadway outside 69A Mechanic St.
- 559 "9mm F.C.+P" spent shell casing, YP27, from roadway outside of 69A Mechanic St.

- 560 "9mm F.C.+P" spent shell casing, YP30, from roadway outside of 69A Mechanic St.
- 529 "F.C. .223 Rem" spent shell casing, YP11, from east side sidewalk area
- 530 "F.C. .223 Rem" spent shell casing, Yp10, from east side sidewalk area
- 533 "F.C. .223 Rem" spent shell casing, YP13, from west side roadway
- 535 "F.C. .223 Rem" spent shell casing, YP14, from west side roadway
- 536 "Rem F.C. .223" live round, YP15, from west side roadway
- 540 "Rem F.C. .223" spent shell casing, YP 16, from west side roadway
- 544 "Rem F.C. .223" shell casing, YP17, from east side sidewalk area
- 548 "Rem F.C. .223" spent shell casing, YP20, from roadway outside of 69A Mechanic St.
- 549 "Rem F.C. .223" spent shell casing, YP21, from roadway outside of 69A Mechanic St.
- 550 "Rem F.C. .223" spent shell casing, YP21, from roadway outside of 69A Mechanic St.
- 553 "Rem F.C. .223" spent shell casing, YP 22, from roadway outside of 69A Mechanic St.
- 554 "Rem F.C. .223" spent shell casing, YP23, from roadway outside of 69A Mechanic St.
- 555 "Rem F.C. .223" spent shell casing, YP24, from roadway outside of 69A Mechanic St.
- 557 "Rem F.C. .223" spent shell casing, YP25 from roadway outside of 69A Mechanic St.

Bullet Projectiles / Fragments

- 520 Bullet fragment projectile, YP 32, from west side sidewalk area
- 541 Deformed bullet projectile, YP18, from east side roadway area
- 547 Deformed bullet projectile, YP 19, from roadway outside of 69A Mechanic St

564	Three bullet fragments from inside the driver side tire of K9 SUV (CT reg 2AWAA4)
565	Bullet fragment from front passenger side door of K9 SUV (CT reg 2AWAA4)
566	Three bullet fragments from Veterinary Medical Diagnostic Lab
567	10 projectiles from Office of the Chief Medical Examiner

This firearms evidence was sent to the State Police Forensic Science Laboratory Firearms Unit for analysis.

Firearms Unit

The Firearms Unit first test fired the four submitted firearms with the following results:

1. Glock 45 (mm pistol, S/N BYZU265 from TFC Fascendini – Operated without malfunction
2. JP Enterprise JP-15 multi caliber rifle S/N JPN1703711 from Tpr Bolduc – Operated without malfunction
3. JP Enterprise JP-15 multi caliber rifle, S/N JPN1703745, from Sgt Paddock – Operated without malfunction
4. JP Enterprise JP-15 multi caliber rifle, S/N JPN1703507 from TFC Church – Operated without malfunction
5. Tan Polymer 80 9mm handgun, S/N P940SC from Vaughn Malloy's location – Operated without malfunction

The Firearms Unit then examined the submitted shell casings comparing them to each other and then to the submitted firearms. The 9mm shell casings were divided into two groups:

Group 1 was comprised of exhibits 518, 522, 523, 524, 525, 526, and 527.

Group 2 was comprised of exhibits 528, 531, 534, 537, 543, 545, 551, 552, 556, 558, 559, and 560.

Upon stereomicroscopic examination, it was determined that the seven 9mm shell casings from Group 1 all originated from the same source and that source was the

submitted Polymer 80 9mm handgun found next to Vaughn Malloy. The Firearms Unit further determined that the twelve 9mm shell casings from Group 2 all originated from the same source and that source was the submitted Glock 45 9mm pistol from TFC Fascendini.

The .223 shell casings were divided into three groups:

Group 1 was comprised of exhibits 529, 530, 533, and 548

Group 2 was comprised of exhibits 535, 540, 544, 549, 553, 554, and 557

Group 3 was comprised of exhibit 036.

Upon examination using a stereomicroscope, it was determined that the casings in the three groups originated from different sources and that the shell casings in each group all originated from the same source. Upon comparison with the test fires, the Unit determined that the four shell casings from Group 1 were fired from the JP-15 rifle from Tpr. Bolduc, the seven shell casings from Group 2 were fired from the JP-15 rifle from Sgt. Paddock, and the shell casing from Group 3 were fired from the JP-15 rifle from TFC Church.

The only projectiles suitable for comparison were the two projectiles obtained during the necropsy of the K9 Broko. Upon examination, the Firearms Unit determined that these projectiles were fired from the Polymer 80 9mm pistol found next to Vaughn Malloy.

Office of the Chief Medical Examiner

Vaughn Malloy was pronounced dead on December 21, 2023, at 8:24 p.m. by Dr. Peter Willis of Lawrence and Memorial Hospital in New London.

On December 22, 2023, Associate Medical Examiner Shana Straub performed an autopsy of Malloy. Dr. Straub identified thirteen gunshot wounds of the torso and extremities. Nine bullets were recovered and submitted as evidence to the OIG. The autopsy report states:

CAUSE OF DEATH: GUNSHOT WOUNDS OF TORSO AND EXTREMITIES

MANNER OF DEATH: HOMICIDE (SHOT BY POLICE),

The report's description of the gunshot wounds may be summarized as follows:

1. Penetrating Gunshot Wound of Anterior Axillary Left Chest

This gunshot entered the left chest, fractured the left sixth rib, perforated the lower lobe of the left lung, perforated the right atrium, left ventricle of the heart, and aorta. It fractured the T9 vertebral body and posterior ninth rib. The bullet lodged in the muscles of the right scapular back. The bullet is a moderately deformed small caliber bullet with an orange metal jacket and gray metal core.

2. Gunshot Wound of Lateral Arm with Re-Entry of Anterior Axillary Right Chest

This gunshot entered the lateral right arm, traveled through the soft tissue and exited the anterior right arm. The gunshot re-entered the right chest and right pleural cavity, fractured the right anterior rib, perforated the right lung, dome of the liver and left lung, fractured the left ninth rib, and lodged in the soft tissue of the lateral left chest. The bullet is a moderately deformed small caliber bullet with an orange metal jacket and gray metal core.

3. Penetrating Gunshot Wound of Left Upper Quadrant of Abdomen (Medial)

The gunshot entered the left upper quadrant of the abdomen. It entered the abdominal cavity, perforated the small bowel, fractured the posterior left rib, and lodged in the muscles of the left lower back. The bullet is a moderately deformed small caliber bullet with an orange metal jacket and gray metal core.

4. Penetrating Gunshot Wound of Left Upper Quadrant of Abdomen (Lateral)

The gunshot entered the left upper quadrant of the abdomen entering the peritoneal cavity, perforating the left colon and kidney. It fractured the L3 vertebra and lodged in the lamina of the L3 vertebra. The bullet is a moderately deformed small caliber bullet with an orange metal jacket and gray metal core.

5. Penetrating Gunshot Wound of Right Lower Quadrant of Abdomen

The gunshot entered the right lower quadrant of the abdomen, traveled through the soft tissues of the abdomen and chest and lodged in the anterior left chest soft tissue. The bullet is a moderately deformed large caliber bullet with an orange metal jacket and gray metal core.

6. Penetrating Gunshot Wound of Inferior Left Buttock

The gunshot entered the inferior left buttock and traveled through the soft tissue of the left buttock and lateral left hip. The bullet lodged in the subcutaneous soft tissue of the lateral left hip. The bullet is a moderately deformed large caliber bullet with an orange metal jacket and gray metal core.

7. and 8. Penetrating Gunshot Wounds of Right Thigh

Gunshot 7 entered at the posterior midline of the right thigh. Gunshot 8 also entered at the posterior midline of the right thigh. The bullets traveled through the soft tissues of the right thigh and lodged adjacent to each other in the posterior right pelvic soft tissue. The two bullets are moderately deformed large caliber bullets with orange metal jackets and gray metal cores.

9. Gunshot Wound of Medial Left Forearm with Re-Entry to the Anterior Left Arm

The gunshot traveled through the soft tissue of the left forearm and exited through the anterior left forearm. The bullet then re-entered the anterior left forearm lodging in the soft tissue of the left shoulder. The bullet is a moderately deformed large caliber bullet with an orange metal jacket and gray metal core.

10. Perforating Gunshot Wound of Lateral Left Arm

The gunshot fractured the left humerus and exited through the posterior left arm.

11. Perforating Gunshot Wound of Anterior Left arm

The gunshot entered the anterior left arm and traveled through the soft tissue of the left arm and scapular back and exited through the left scapular back.

12. Graze Gunshot Wound of Lateral Right Buttock

The gunshot grazed the lateral right buttock. It caused a 1" horizontal wound extending to the dermis.

13. Penetrating Wound of the Left Scapular

There is a wound to the left scapular back. It travels through the subcutaneous soft tissue and muscle without penetration onto the pleural cavity. There are scattered debris fragments in the wound track including a minute metallic fragment.

In addition to the gunshot wounds, the autopsy report documents areas of blunt force trauma at various locations. The report does not note any blunt force trauma to the right upper arm that would correspond with a dog bite. There is, however, a gunshot wound noted in that arm.

Samples of Malloy's bodily fluids were sent to NMS Labs in Horsham PA for analysis. The toxicology report was positive for Amphetamine (8.6 ng/mL), Methamphetamine (21 ng/mL), 11 Hydroxy Delta-9 THC (3.8 ng/mL), Delta-9 Carboxy THC (18 ng/mL), and Delta-9 THC (>50 ng/mL). All of these substances had the potential to affect Malloy's central nervous system, particularly methamphetamine. The concentrations, however, were not at levels that historically have caused violent or irrational behavior.

K9 Necropsy

The Connecticut Veterinary Medical Diagnostic Laboratory performed a postmortem examination of K9 Broko. The comments section of the report states:

"Gross examination of this German Shepherd revealed multiple traumatic lesions as a result of gunshots penetrating the thoracic cavity (chest), some of which passed into the abdominal cavity, and right hindlimb. Cause of death was likely a combination of exsanguination originating from trauma to the lungs and heart (hemothorax) and the introduction of air into the thoracic cavity (pneumothorax). Two bullets were recovered; one from the right lumbar region and one from the right popliteal region, which would match the reported radiographic findings. Additional shrapnel was recovered from the thoracic cavity."

Digital Evidence

The relevant digital evidence for this incident comes from three sources: (1) the Tactical Team members who were wearing activated helmet cameras, (2) a camera affixed to a utility pole across the street from 69A Mechanic Street, and (3) a civilian who recorded a portion of the incident using a mobile phone.

Tactical Team Videos

Sergeant Paddock's video depicts the Tactical Team in the Bearcat as it arrives at the target location. The audio records the announcements that the Connecticut State Police have a warrant and for Malloy to come out showing his hands. At approximately three minutes into the video, a dog is heard barking. The troopers exit the Bearcat. Someone yells, "He's

running!” Malloy runs across Mechanic Street and the shooting occurs. To view this portion of Sergeant Paddock’s video, click [here](#).

Trooper Church was in the Bearcat with Sergeant Paddock and his video largely depicts the same scene. The shooting, however, is recorded from a slightly different angle. To review the relevant portion of Trooper Church’s video, click [here](#).

Trooper Bolduc was also in the Bearcat. His video records Malloy as he ran from 69A Mechanic Street through the shooting. To view this video, click [here](#).

Pole Camera

A video from a camera mounted on a utility pole recorded Malloy as he ran from 69A Mechanic Street. To view this video, click [here](#).

Civilian

A civilian who was in a house somewhat down the street from 69A Mechanic Street recorded a portion of the incident using a mobile phone. To view the relevant portion of this recording, click [here](#).

FINDINGS

The investigation supports the following findings of material fact:

1. On June 20, 2022, a judge issued an arrest warrant for Vaughn Malloy for assault in the first degree and related charges arising out of an April 28, 2022, shooting incident in Norwich.
2. The Connecticut State Police Violent Crime Task Force assumed responsibility to arrest Malloy on the warrant. As of December 21, 2023, Malloy had not been apprehended.
3. Using a variety of investigative techniques, the Task Force located Malloy at 69 Mechanic Street, Unit A, Pawcatuck CT. On December 21, 2023, a judge authorized a search warrant for that location and for the person of Vaughn Malloy.

4. The Connecticut State Police Tactical Team was tasked with serving the arrest/search warrants on Malloy at 69A Mechanic Street. The Tactical Team was utilizing an armored Bearcat vehicle as well as K9 teams.
5. On December 21, 2003, at approximately 7:30 p.m., the Tactical Team positioned the Bearcat on Mechanic Street directly in front of the front door of 69A Mechanic Street.
6. Using the Bearcat's loudspeaker, the Tactical Team made repeated announcements that the Connecticut State Police had a warrant, and for Malloy to surrender. Upon receiving no response to these announcements, the Tactical Team breached the front door of 69A Mechanic Street using the Bearcat's ram.
7. Shortly after the front door was breached, Malloy emerged from 69A Mechanic Street. As he ran across the street, someone yelled out "Gun." Troopers then fired two 40mm non-lethal impact rounds at Malloy causing him to fall. Simultaneously, K9 Broko was deployed to apprehend Malloy. The K9 reached Malloy near where he fell and began biting him.
8. Malloy fired seven rounds from the Polymer 80 9mm handgun that was later recovered next to him. It is highly likely that two of those rounds fatally wounded K9 Broko. Four of the other rounds likely struck a Ford Expedition police vehicle parked across the street.
9. Upon hearing gunfire, the Tactical Team returned fire. Trooper Church fired one round from his JP-15 police rifle. Trooper Bolduc fired four rounds from his JP-15 police rifle. Sergeant Paddock fired seven rounds from his JP-15 police rifle, and Trooper Fascendini fired twelve rounds from his Glock 45 9mm pistol. Many of these rounds struck Malloy.
10. Malloy was transported to Lawrence and Memorial Hospital. He was pronounced dead at 8:24 p.m.
11. On December 22, 2003, the Office of the Chief Medical Examiner performed an autopsy of Malloy. Doctor Shana Straub determined that Malloy received thirteen gunshot wounds. She found the cause of Malloy's death to be GUNSHOT WOUNDS OF THE TORSO AND EXTREMITIES and the manner of death to be HOMICIDE (SHOT BY POLICE).
12. Eastern District Major Crime Squad detectives processed the scene taking photographs and seizing evidence, including the tan Polymer 80 9mm pistol that was next to Malloy after he was shot.

13. The Firearms Unit determined that the Polymer 80 9mm pistol fired seven rounds based on the shell casings recovered at the scene. On the same basis, it further determined that Trooper Fascendini fired twelve rounds from his Glock 45 9mm handgun, Trooper Church fired one round from his .223 JP-15 rifle, Trooper Bolduc fired four rounds from his .223 JP-15 rifle, and Sergeant Paddock fired seven rounds from his .223 JP-15 rifle. The Firearms Unit further determined that the two projectiles recovered from the K9 were fired from the Polymer 80 9mm pistol.

LAW

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on December 21, 2023, in relevant part, provides:

“(a) ... (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, based on 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

It is sad that this incident resulted in the death of Vaughn Malloy and State Police K9 Broko. I attribute this to Malloy’s desperate efforts to avoid arrest.

The Connecticut State Police Tactical Unit had responsibility to arrest Malloy on a lawfully issued warrant charging him with a violent crime. Their initial approach was to try to convince Malloy to surrender. When Malloy fled and ran across Mechanic Street, they pivoted

to less-lethal force in the form of 40mm foam tipped impact rounds and deployment of a K9. It was only when Malloy fired his weapon that the troopers returned fire.

Malloy's actions in firing a gun multiple times posed a threat of serious injury or death to all troopers on scene. In their statements, the four troopers who fired their weapons expressed their perception of this threat and their belief that it posed a grave risk of harm. This was reasonable because a reasonable police officer in the same circumstances would share that same belief. Accordingly, I find that their use of deadly force was justified.

CONCLUSION

The investigation established that the use of deadly force by Connecticut State Police Sergeant Sean Paddock, and Troopers Christopher Church, Jarred Bolduc, and Gregory Fascendini resulting in the death of Vaughn Malloy was justified. The Office of Inspector General will take no further action on this matter.

Submitted this 30th day of June 2025.



ROBERT J. DEVLIN, JR.
INSPECTOR GENERAL