

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning
Use of Deadly Force by the Prospect Police Department on October 20, 2023

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Inspector General

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Acknowledgments

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

- *Connecticut State Police Eastern District Major Crime Squad*
- *Waterbury State's Attorney's Office*
- *Office of the Chief Medical Examiner*
- *Prospect Police Department*

INTRODUCTION

This case concerns Prospect Police Officer David Terni, who fired his duty pistol at Michael Strenk inside a home on Merriman Lane on October 20, 2023, killing him.¹ As required by statute², the Office of Inspector General (OIG) investigated this incident. The results of that investigation are contained in this report.

At 4:49 p.m. on October 20, 2023, Officer Terni and Officer Jonathan Slavin responded to a report of a woman yelling for help at 20 Merriman Lane. A neighbor who heard a scream for help called police. Officer Terni walked to the front door and spoke to the complainant³ while Officer Slavin went to the back door. Strenk was inside the house in the kitchen area. In less than 10 seconds Strenk armed himself with a knife and began to charge at Officer Terni, who fired two shots.

In summary, the investigation establishes that at the time that Officer Terni discharged his firearm, Strenk was threatening imminent deadly force against him and that Officer Terni acted justifiably in stopping the threat.

INVESTIGATION

Scene Survey

Detectives from the Connecticut State Police Eastern District Major Crime Squad (EDMCS) arrived and processed the scene. Merriman Lane in Prospect is a single-entrance road. House number 20 is about half-way down on the south side of the street. The home is a single-family one-story ranch style house. Detectives noted a three-section picture window at the front of the house to the left of the front door was left open. The windowpane closest to the door had been removed from the window track and the vegetation under that window had been matted down. The house consists of a living room, an attached open kitchen, a hallway, a

¹ At the time, Strenk was a 48-year-old Caucasian male, and Terni was a 53-year-old Caucasian male who was hired as an officer with the Prospect Police Department in January 2023 and had no disciplinary history. Previously he served as an officer with the Waterbury Police Department for 25 years.

² 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."

³ In the spirit of C.G.S. § 1-215, this report will not identify by name the complainant who was a family violence victim.

common room, a bathroom, and two bedrooms. Drug paraphernalia was on a table in one of the bedrooms.

Detectives found the body of Michael Strenk on the floor of the living room, next to a medical bag and an 8-inch serrated knife. Another knife was discovered on the kitchen counter.



[20 Merriman Lane]



[Three-section picture window]



[Drug paraphernalia]



[Knife found next to Strenk]



[Strenk's knife]

EDMCS detectives examined the house and the area in front of the opened window. They discovered two cartridge casings. One was in front of the window outside the house and one was inside the house next to Strenk's body.



[Cartridge casing]



[Cartridge casing]

Statements / Reports

Officer Slavin's Report

Officer Jonathan Slavin responded to the call for service along with Officer Terni. Slavin wrote a report on November 10, 2023. Relevant portions are summarized as follows:

As he drove south on Merriman Lane on a report of a female yelling for help, he was approached by a resident who said he called police when he heard a female yelling for help from inside a home. The woman was arguing with a man and telling him to leave. The man was telling the woman not to cause any more problems. The resident told Officer Slavin that the police were just at the house a few days ago.

Officer Slavin radioed to dispatch that he and Officer Terni would be out at 20 Merriman Lane. Both officers were familiar with the residence, having been called there for numerous domestic incidents between Strenk and the victim. As they approached the house, Officer Terni went to the front door and Officer Slavin went to the side of the house because Strenk had been known for running out of the back of the house when police were called. Officer Terni spoke with the victim. Officer Terni asked if Strenk was in the house. Officer Terni yelled to him that Strenk was going out the back door. He ran to the back side of the house but did not see Strenk outside. He heard yelling from the front. It appeared that Officer Terni was giving commands to Strenk or the victim. As he continued toward the front of the house, he heard

two gunshots. As he came around the front of the house, the victim was standing outside the front door asking for help.

Officer Slavin radioed that shots were fired. He stepped into the house and saw that Strenk was on the floor, bleeding from his face. He was unconscious and there were no signs of life. He retrieved a medical bag, went back inside, checked for a pulse but found none.

Officer Terni's Statement

On November 15, 2023, Officer Terni provided a sworn statement providing his account of the events. That statement follows:

On 10/20/2023 at approximately 1649 hours, this Officer, Terni along with Officer Slavin were dispatched to Merriman Lane on a suspicious incident in which a resident walking his dog heard a woman screaming for help.

Upon arrival, we both met with the complainant, a middle-aged white male who explained that while he was walking by a home on Merriman Lane he heard a woman screaming for help and that he observed an adult white male attempting to enter the residence. The complainant also stated that he heard the adult white male yell, "Come on, don't make me do something stupid!" The complainant described the house as the tan house on the left. He also stated that the police were just there the other day. I asked the complainant if the male he observed was heavy-set with a beard to which he replied "Yes" and then stated that it was a couple of houses up on the left side of the street.

I explained to Officer Slavin that the description given by the complainant matched the description of Michael Strenk, an individual whom I had dealt with in the recent past, I knew that there was a valid/current Full No Contact Protective Order against Michael with V⁴, listed as the protected party. Officer Slavin and I then drove to 20 Merriman Lane, I activated my Body Worn Camera as I arrived at the address.

I parked my fully marked Police cruiser directly in front of the residence and Officer Slavin parked his fully marked cruiser behind mine. I immediately observed that the right panel of a bay window, which was to the left of the front door, was dislodged and leaning inside of the residence. I walked up the driveway and approached the front door.

The house is a small ranch-style house of approximately 1000 square feet. The front door faces the street with the damaged bay window being approximately two feet to the left of the door. The bottom of the damaged bay window is approximately two feet above the

⁴ "V" will be used in place of the name of the protected party/victim.

ground. The front door and the bay window open into the living room area which is open to the kitchen.

I yelled [victim's name] and she responded, "Yes." I asked her if she was okay and she said, "No." I stepped in front of the window and saw V inside. I asked V what was going on and what happened to the window. V stepped into my view and began moving the windowpane out of the way. While doing so she stated, "Mike did it." I then asked V if Michael was at the residence to which she replied, "Yes." I asked her where Michael was and she said, "He's right behind the door" about two feet to V's right.

As soon as V told me Michael was by the front door, he ran towards the kitchen and the back door. I immediately yelled to Officer Slavin, who was standing at the far left corner of the house, that Michael was heading for the back. Officer Slavin then proceeded to the back of the house. Michael did not exit the residence through the back door and began to rifle through one of the kitchen drawers. Michael took a knife out of the drawer and started to slice one of his arms. At this point, I drew my service weapon and pointed it at Michael. I was still outside of the window. I ordered Michael to drop the knife. At this point, Michael appeared to throw the knife in my direction. I ducked to my right quickly and observed Michael to have another large kitchen knife and he was continuing to cut his left arm. At this point, I was concerned for the safety of V who was to my right, inside the house, near the front door. V is an elderly woman who [is] not in good health. I was afraid that Michael would attack V, so I tried to put myself between Michael and V to protect her. I stepped through the window into the living room yelling for Michael to drop the knife multiple times. Michael was standing approximately 10 feet away from me in the kitchen. The kitchen is open to the living room and with little to no obstructions between Michael and me. Michael refused to comply with my orders, shouted something, and then charged at me with the knife in his hand closing the distance between me and him rapidly. I could not retreat through the window as I would have to turn around and step back over the two-foot threshold, taking my attention off Michael.

At this point, I discharged my service weapon firing two rounds. Michael immediately dropped to the floor dropping the knife. I radioed Troop I and advised them that shots were fired and that there was a party down.

Once I was confident that the scene was secure and that V was safely out of the house, I exited the residence and asked V if she was okay or hurt in any way. V was extremely upset but stated that she was not injured. Officer Slavin came to the front door and then asked if I was okay. I stated that I was okay and not injured. Officer Slavin retrieved the medical bag from his police Cruiser and brought it inside with the intent of rendering first aid. However, after observing the severity of Michael's injuries, it appeared that there was nothing either of us could do to render aid. Officer Slavin checked for a pulse but there was none.

After the scene was safe, Officer Slavin tended to V and eventually moved her to the front seat of his cruiser. I stayed by the front door securing the scene until other officers arrived.

Interview of Victim

Inspectors from the Office of Inspector General interviewed the woman who was living in the house at the time with Strenk, the pertinent part of which is summarized below:

Strenk was unemployed and has dealt with medical and substance abuse issues throughout his adult life. He has been in and out of treatment programs over the years. Strenk was unhappy and tended to be violent. He was never violent towards her, but he would break things and become violent toward other people. He was prone to having tantrums and fits and would sometimes take her car without permission.⁵ A couple of days before the incident, the woman obtained a restraining order against Strenk. On October 20, Strenk was discharged from the hospital and came back to the house. She told him he was not allowed back in the house and repeatedly told him to go away. Strenk pulled up on the open living room window and told the victim to let him in so that he could get his shoes and phone. The victim told him police needed to be present if he was allowed back into the house. She managed to call police while they argued.

Strenk came into the house through the window that he removed and asked the victim to give him money and call him a taxi. She refused, and the arguing continued. Soon, police arrived. An officer asked if she was all right and she said “no.” A police officer was talking to Strenk through the window, but Strenk ran from the living room to the kitchen. She saw him open a drawer that contained kitchen knives. He then ran toward the police officer. She heard the officer say “Mike stop, Mike Stop.” At that point she said she thought she heard two shots fired. She then sat on a porch until an officer asked her to sit inside a police car.

Interview of Neighbor

A neighbor at 23A Merriman Lane observed a portion of the argument between Strenk and the victim. He told investigators that he was walking his dog between 4 p.m. and 5 p.m. and heard a woman screaming for help from within a house. He said he saw a man outside the house who was talking to the woman inside the house. He was yelling, “shut the fuck up, don’t make me do some stupid shit.” The neighbor said the same man was at the house a few days

⁵ In August 2023 she filed a report with police that he had taken her car without permission and had withdrawn money using her debit card. A review of police reports indicates officers were investigating Strenk for larceny charges at the time of his death.

earlier and was placed in handcuffs and taken away in an ambulance. Hearing the yelling that afternoon, the neighbor said he called 911 and police arrived shortly thereafter.

Video Evidence

Officer Terni's Body Worn Camera (BWC)

Officer Terni activated his BWC before he arrived at Merriman Lane. He parked his car in front of the house at 20 Merriman Lane. As he walks to the house, he activates the sound. One can hear a dog barking in the background. Officer Slavin is seen on the left side of the house. Officer Terni remarks that the window is broken. Once at the door, he calls to the victim by name and asks if she is all right. She replies, "no." He asks what's going on and what happened to the window. She says, "Mike did it." He asks where he is and she says he is at the door. Strenk then goes toward the back of the house. Officer Terni tells Officer Slavin that Strenk is going out the back door. Officer Slavin is seen moving toward the rear of the house. Strenk is seen going through a drawer in the kitchen. Officer Terni shouts at him to "drop it." Strenk throws an object at Officer Terni, who moves out of the way. Officer Terni says "drop it" again, and steps through the window into the house and tells Strenk to, "drop it" four more times. Strenk charges at Terni holding a knife pointed toward Terni saying something that is not comprehensible. Officer Terni fires two shots from a few feet away and Strenk falls to the floor with no signs of life. From the time Officer Terni arrives at the door to the time he fires is approximately 35 seconds. To see the relevant portion from Officer Terni's BWC, click [here](#).

Officer Slavin's BWC

Officer Jonathan Slavin arrives at Merriman Lane and speaks to the neighbor who called to report the disturbance and directs the officers to the house. Both officers drive to 20 Merriman Lane. Slavin walks to the front left corner of the house while Officer Terni walks to the front of the house and speaks with the victim. Officer Terni tells Officer Slavin, "he went out back" and Slavin begins to walk to the back of the house. Officer Terni can be heard saying, "drop it" several times. Then two gunshots are heard. The victim says, "help me" and Officer Slavin walks toward her and helps her to a chair, looks inside the house, and then retrieves a medical bag from a police cruiser and brings it to the house. To see the relevant portion from Officer Slavin's BWC, click [here](#).

Firearm Survey

EDMCS detectives examined a Glock model 22 .40 caliber pistol, serial number BFFN886, which had been seized as evidence. The examination determined that it contained a 15-round magazine containing 13 rounds of Winchester .40 caliber ammunition. One round was found

chambered in the weapon, suggesting that two rounds had been fired if the magazine had previously been full.



[Officer Terni's duty firearm]



[Magazine]

Autopsy

Chief Medical Examiner James R. Gill performed an autopsy on the body of Michael Strenk on October 21, 2023. The report states that the cause of death was a gunshot wound to the head:

FINAL DIAGNOSIS

- I. Penetrating Gunshot Wound of Head
 - A. Skull Fractures
 - B. Injury of Brain
 - C. Subarachnoid Hemorrhage
 - D. Bullet Recovered

- II. Deep Graze Gunshot Wound of Chin and Neck with Subsequent Entrance into Right Shoulder:
 - A. Soft Tissue Injury
 - B. Bullet Recovered

- III. Hypertrophic Cardiomyopathy:
 - a. Cardiac Hypertrophy (700 gm)
 - b. Myocardial Fibrosis

- IV. History of Substance Use:
 - A. Fentanyl and Hydromorphone detected in postmortem blood.
 - B. Linear Scars over Subcutaneous Veins
 - C. See Toxicology Report

- V. Superficial Cuts, Extremities

- VI. Obesity (BMI=38)

- VII. Recent Medical Contact at St. Mary's Hospital, 10-18-2023
 - a. Needle Punctures with Gauze Bandages of the Antecubital Fossae and EKG Adhesive of Chest

- VIII. Surgical Absence, Gallbladder, Remote

CAUSE OF DEATH: Gunshot Wound of Head

MANNER OF DEATH: Homicide (Shot by Police)

Toxicology testing indicated the presence Hydromorphone and Fentanyl. The narrative of the autopsy indicates that two bullets were recovered from the body – one in the head and one in the right shoulder. One bullet went into the left front of the skull and another grazed the neck and went into the shoulder.

FINDINGS

The investigation supports the following findings of material fact:

1. On October 20, 2023, at about 4:49 p.m. a resident of Merriman Lane, Prospect, called police to report a domestic disturbance at 20 Merriman Lane. Prospect Police Officers David Terni and Jonathan Slavin responded in their patrol cars. Terni was familiar with Michael Strenk and understood there to be a protective order in place preventing him from being at the residence. Officer Terni parked in front of the residence and walked to the door and was met by the victim. Officer Slavin went to the left side of the house.
2. Officer Terni briefly spoke with the victim, who reported Strenk had removed a window adjacent to the front door. Officer Terni stood at the window and attempted to speak with Strenk, who as the rear of the room in the kitchen grabbing knives from an open kitchen drawer. Strenk threw one of the knives at Officer Terni. Strenk picked up another knife. Terni told Strenk to drop the knife a total of six times. Strenk did not comply with the commands and instead charged at Officer Terni with an 8-inch-long kitchen knife, aggressively pointing it toward him in a threatening manner.
3. While Strenk was armed with the knife and feet away from striking him, Officer Terni fired his duty weapon twice at Strenk, killing him.

LEGAL STANDARD

The use of force by a police officer is governed by General Statutes §53a-22. The version of that statute in effect on October 20, 2023, in relevant part, provides:

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

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

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

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

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

The statute further provides:

"For the purpose of evaluating whether the actions of a peace officer ... are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to, whether (A) the person upon whom deadly force was used possessed or appeared to possess a deadly weapon, (B) the peace officer ... engaged in reasonable de-escalation measures prior to using deadly physical force, and (C) any conduct of the peace officer ... led to an increased risk of an occurrence of the situation that precipitated the use of force," §53a-22 (c)(2).

Accordingly, a police officer is justified in using deadly physical force upon another person when the officer reasonably believes such force to be necessary to defend the officer or a third person from the use or imminent use of deadly physical force. "Deadly physical force" means "physical force that can be reasonably expected to cause death or serious physical injury." General Statutes § 53a-3(5). "Serious physical injury" means "physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ." General Statutes §53a-3(4).

The reasonableness of a police officer's belief under § 53a-22 is evaluated pursuant to a subjective-objective formulation. *State v. Smith*, 73 Conn. App. 173, 185, 807 A.2d 500, cert. denied 262 Conn. 923, 812 A.2d 865 (2002). Under this test, the first question is whether, on the basis of all of the evidence, the police officer in fact honestly believed that deadly force was necessary to defend himself/herself or a third person. *Id.* If it is determined that the police officer honestly believed that deadly force was necessary, the second part of the test asks

whether the police officer's honest belief was reasonable from the perspective of a reasonable police officer in the officer's circumstances. *Id.* at 198.

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

ANALYSIS

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 other person 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 this case, Officer Terni was only on scene for less than 35 seconds before Michael Strenk charged at him with a long kitchen knife, which qualified as a deadly weapon. He was in imminent danger of being stabbed and another reasonable officer in that situation would tend

to draw the same conclusion. He attempted to de-escalate by asking Strenk to drop the knife, but it is apparent that Strenk was not amenable to a conversation. Finally, Officer Terni did nothing to precipitate Strenk's use of deadly force.

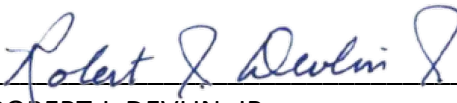
CONCLUSION

The investigation establishes that Officer Terni's use of deadly force was reasonable to defend himself. I therefore conclude that his 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 December 2024.



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