

State of Connecticut
OFFICE OF INSPECTOR GENERAL



Report Concerning the
Use of Deadly Force by the Connecticut State Police
on March 1, 2024

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Inspector General

TABLE OF CONTENTS

INTRODUCTION	4
INVESTIGATION.....	5
SCENE SURVEY.....	5
STATEMENTS.....	19
TROOPER CONTENTA’S BACKGROUND	24
DIGITAL EVIDENCE.....	24
MEDICAL RECORDS	26
FIREARMS SURVEY.....	27
FINDINGS	28
LAW	29
ANALYSIS.....	31
CONCLUSION	33

Acknowledgments

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- *Department of Emergency Services and Public Protection, Connecticut State Police Eastern District Major Crime Squad*
- *Connecticut State Police Training Academy*
- *Bridgeport Police Department Forensics Unit*

INTRODUCTION

This case presents itself as another unfortunate situation where an armed person in the throes of a mental health crisis finds himself face-to-face with police officers attempting to bring the encounter to a peaceful end but finding themselves using deadly force. On March 1, 2024, at approximately 2:30 p.m. at 7 Meadow Road, Bolton, Connecticut, Connecticut State Police Trooper First Class Brian F. Contenta¹ fired his duty pistol multiple times at Maxim Nowak², injuring him in the hands, chest, and abdomen. As required by statute³, the Office of Inspector General (OIG) investigated this incident. The results of this investigation are set forth in this report.

The investigation establishes that on March 1, 2024, Connecticut State Police were notified by a mobile crisis center of a man at a home in Bolton who possessed a knife and wanted to harm himself. Trooper Contenta, along with Troopers Wendy Garcia-Campos and Douglas Bernier, responded to the home and encountered Nowak in the kitchen holding two knives. His mother and father were in the house as well. Troopers issued verbal commands and engaged in de-escalation tactics in an attempt to get Nowak to drop the knives. He refused to drop the knives however, and when he made a move with a knife in one hand that was indicative of a throwing maneuver, Trooper Contenta fired his weapon, and Trooper Bernier fired his Taser. Nowak fell to the ground screaming in pain. State troopers and members of the Bolton Fire Department and Ambulance Service of Manchester treated Nowak at the scene. He was then transported to Hartford Hospital for further treatment.

Based on the facts developed during the investigation, I have determined that Trooper Contenta used deadly force to defend himself, fellow troopers, and Nowak's father from what he reasonably believed to be a threat of serious injury. Accordingly, I find such use of force to be objectively reasonable and justified.

¹ At the time of the incident, Trooper Contenta was a 44-year-old Caucasian male.

² At the time of the incident, Maxim Nowak was a 29-year-old Caucasian male.

³ As relevant here, General Statutes §51-277a(a)(1) provides: "Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of force by the peace officer was justifiable under section 53a-22."

INVESTIGATION

Scene Survey

Detectives from the Connecticut State Police Eastern District Major Crime Squad (CDMCS) arrived and processed the scene. The house at 7 Meadow Road is a single-family two-story gable-style home in a residential area with houses to the south and across the street.



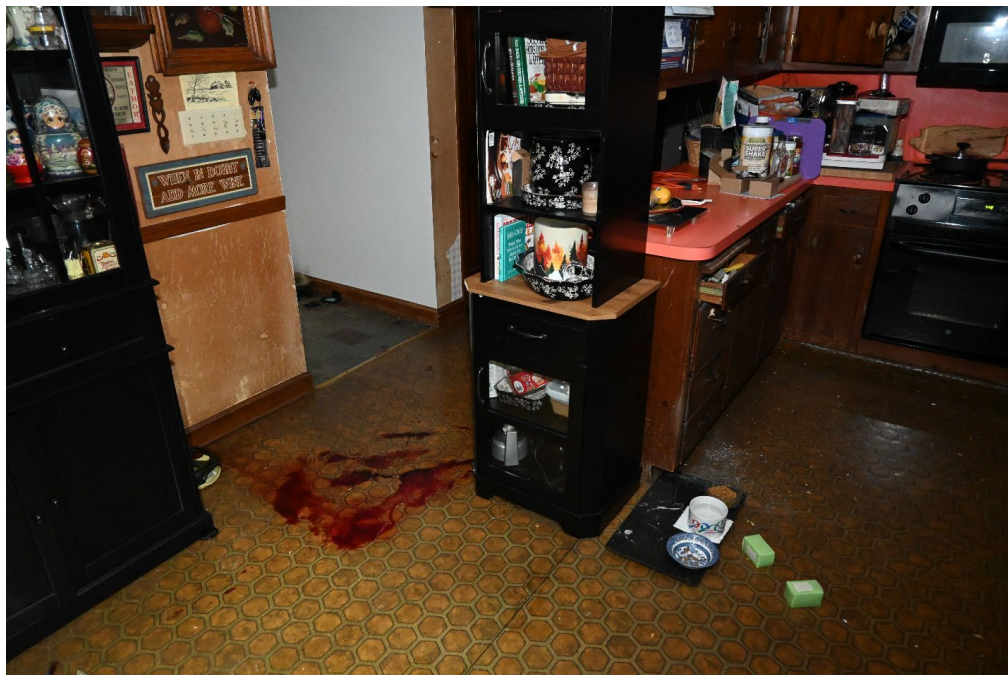
[7 Meadow Road]

The primary scene was determined to be the kitchen and foyer area of the house and detectives observed several items of evidence in that area. A shell casing was found on the open porch outside the front door. Six additional casings were located in the foyer of the home: on the floor, on a bench behind the front door, and on a windowsill to the right of the front door. Taser wire was on the foyer floor with a prong still attached. Another Taser prong was embedded in a wooden shelving unit. What appeared to be damage from bullet strikes was observed in six areas of the kitchen: in various cabinets, a shelving unit, and kitchen cabinet partitions. A seventh apparent bullet strike was noted in the dishwasher door. Seven expended bullets or bullet fragments were located and photographed.

Bullets or bullet fragments were found on the kitchen floor, the hallway floor, in a cabinet drawer, in the dishwasher, and against a cabinet wall adjacent to the dishwasher. A detective also retrieved a bullet and a Taser probe and wire from a physician assistant who was treating Nowak after he arrived at Hartford Hospital.



[Doorway where Trooper Contenta was standing and where Nowak was treated]



[Area of kitchen where Nowak was shot and fell]



[Two knives in kitchen]



[Bullet strikes]



[Bullet strikes]



[Bullet fragment]



[Shell casing]



[Shell casing]



[Shell casing]



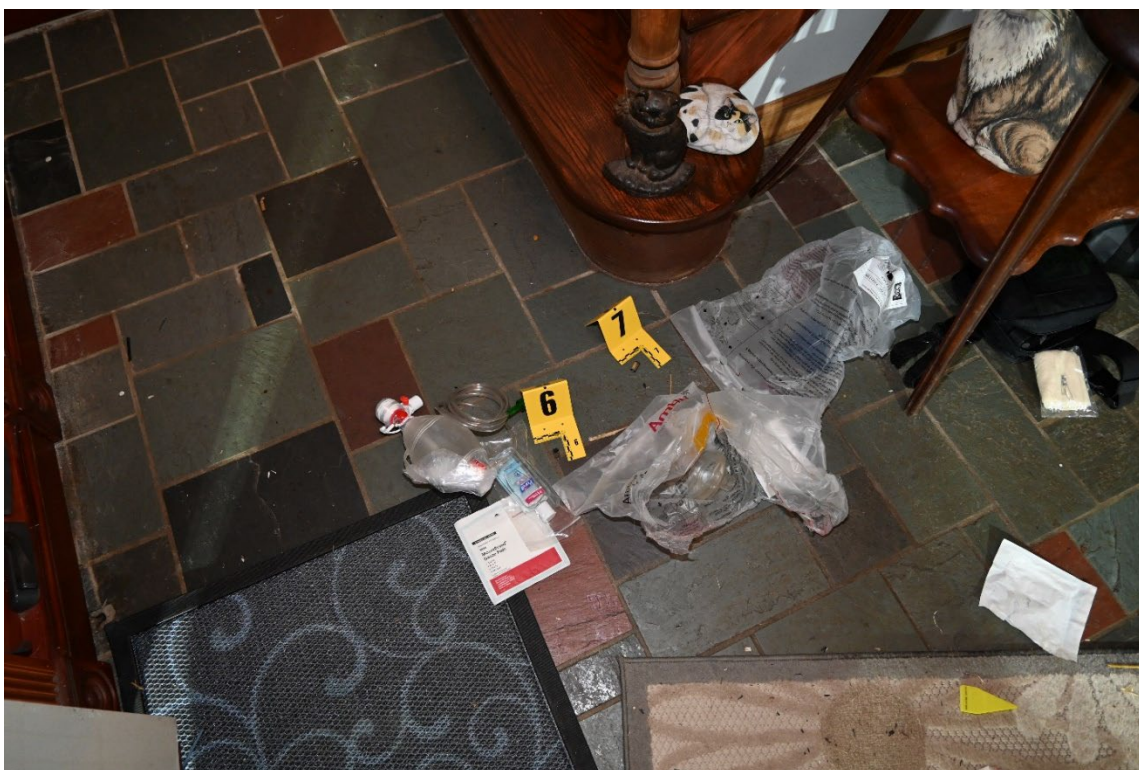
[Two casings]



[Shell casing]



[Three shell casings]



[Medical equipment]



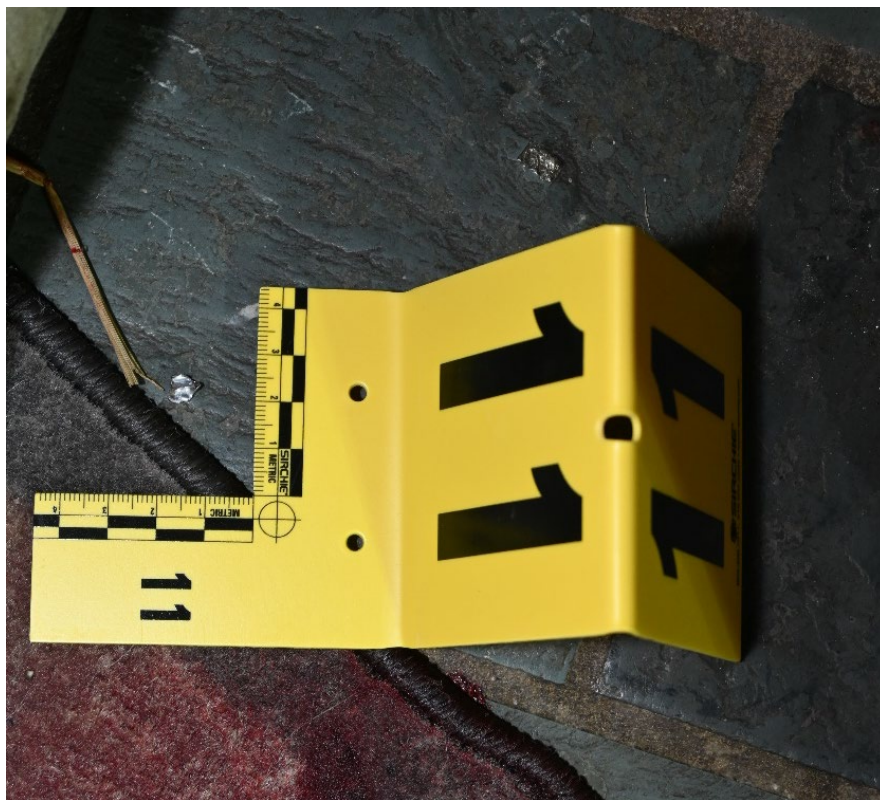
[Casing]



[Bullet fragment on carpet]



[Defects, blood stains, and Taser wire]



[Metal fragment on foyer floor]



[Bullet fragment on kitchen floor]



[Bullet strikes]



[Bullet fragment]



[Bullet in dishwasher]



[Bullet behind dishwasher]

Detectives observed a bloodlike substance on the walkway near the open porch as well as on the floor of the foyer and the kitchen. Two knives with a bloodlike substance on them were on the kitchen floor. Medical equipment was also in the area. A small folding pocket knife was found in some plastic tubing in the back of a pickup truck in the driveway.





[Knives]



[Knife sheath with additional knives in kitchen]



[Folding knife found in truck bed]

Police Reports

Trooper Douglas Bernier

On March 1, 2024, at about 2:19 p.m. Trooper First Class Bernier received a call from Troop K dispatch to report to 7 Meadow Road in Bolton for a medical assist call. Dispatch relayed information that a mobile crisis center received a call about a male, later identified as Maxim Nowak, wishing to harm himself and others with a knife and that mobile crisis personnel would not respond to the scene. Prior to his arrival on scene, dispatch stated over the radio that the subject's father called back to report that Nowak was no longer in possession of the knife and was beginning to calm down. Then, at 2:31 p.m., Trooper Wendy Garcia-Campos reported that Nowak was armed with knives.

Trooper Bernier's report continues:

"At approximately 2:34 p.m. I arrived on scene and exited my patrol cruiser. I ran up the driveway, and as I approached the front porch, I observed the front door open with TFC Contenta just inside of the doorway, holding his duty weapon and standing in a shooting stance, giving verbal commands to a male party who was holding what appeared to be throwing knives in both his right and left hands. As I approached the front stairs, I could see TFC Contenta with

his duty pistol drawn and pointed at the male party and he was issuing verbal commands for the subject to drop the knives.”

Trooper Bernier then noted that he entered the front door of the house, drew his Taser, notified Trooper Berner that he had the subject covered with the Taser, and took a position to the immediate left of Trooper Contenta just inside the front door.

Trooper Bernier’s report continues:

“I observed [Nowak] standing approximately 10 to 12 feet away from me in the kitchen. Nowak was in a fighting stance. I observed what appeared to be silver throwing knives in each of his hands. The knife in his right hand was down to his right side oriented in a poking position. I observed his left hand up to his left side about chin height with the knife oriented in a stabbing position. Nowak was facing TFC Contenta and I, and it appeared that Nowak was about to throw knives in out [sic] direction.

“TFC Contenta and I gave numerous verbal commands to Nowak to drop the knives for approximately 18 seconds. Nowak was focused on my Taser and told me in an aggressive manner to ‘drop the fucking Taser.’ Nowak was in an extremely hyper and angry state. Nowak was postured in a fighting stance and appeared to be ready to attack. Nowak then spun the knife in his left hand with skilled knife throwing abilities by the manner in which he was moving the knives in his hands. I then noticed Nowak position the knife in a position to throw in our direction. Due to the extremely close distance of Nowak and the belief there was going to be an imminent attack with the deadly weapons, I feared that Nowak was about to cause serious physical injury or death to TFC Contenta or myself. As a result, I discharged my Taser in an attempt to stop the deadly threat, striking Nowak with 1 of 2 Taser probes. At this time, TFC Contenta also discharged his duty pistol striking Nowak.”

Trooper Bernier then notes in his report that Nowak collapsed to the kitchen floor and that troopers notified dispatch to start medical services. Trooper Bernier placed handcuffs on Nowak. He and Trooper Garcia-Campos retrieved medical equipment from their vehicles and began providing medical attention to Nowak. Troopers Bernier and Garcia-Campos then were driven to Windham Hospital to be evaluated.

Trooper Kevin Crosby

Trooper Crosby arrived when other troopers were providing medical care. He was assigned to escort Nowak to Hartford Hospital. He eventually completed a Police Emergency Examination Request pursuant to Connecticut General Statutes § 17a-503, which allows police to detain a person they suspect has psychiatric disabilities and is a danger to himself or others and in need of immediate care, and have that person be examined at a hospital.

Statement of Michael Nowak

Maxim Nowak's father, Michael Nowak, gave a sworn statement to Trooper Bryce Reed on March 1, 2024. He lives at the Bolton home with his wife and Maxim, who has a medical history and is prescribed daily maintenance medication. When he takes his medication, his behavior is generally positive, well-mannered, and without outbursts. On the rare occasion when he does not take his medication, he becomes irritable, and his level of depression worsens. In December 2023 he went more than a week without a prescribed medication because of a national shortage. He began to have outbursts leading us to call the 211 Helpline where he was directed to a mobile crisis team. Police were called and Maxim was hospitalized.

Michael Nowak then went on to describe the events of March 1. He was working remotely from home when around mid-morning Maxim came downstairs, grumbling under his breath. He was unusually irritable that morning. He was cursing, using racial slurs, and using every vile word he could think of. His wife tried to calm Maxim down. Michael asked Maxim if he had taken his medication, to which he replied that he had not. He took the medication Risperdal at about 1 p.m. It usually took 45 minutes for the medication to take effect. His wife spoke to Maxim until it was time for their weekly appointment with the family psychologist, which was on Zoom. Maxim's behavior did not abate during the meeting and the family psychologist heard his outbursts and urged them to call 211 at about 1:30 p.m. Staff on the 211 Helpline contacted a mobile crisis team. By this time Maxim was in possession of a 4-inch folding knife. Maxim was carrying the knife around the house in a defiant and distressed manner. The 211 worker called the police. Nowak's statement continued:

"I asked Maxim to please give me the knife to settle down the situation. After a minute or two he thought I was dwelling on the knife too much. He stepped out on the front porch and threw the knife into the woods to the north."

Maxim then went to look for the knife in the woods while Michael waited for emergency services to arrive. After 10 minutes Maxim gave the knife to his father under the premise that he would clean it for him. Michael waited at the end of the driveway as state troopers arrived. Maxim was inside the house. They walked to the front door and the trooper spoke with Maxim in the kitchen. Maxim had two small throwing knives in his right hand. The trooper asked him to put them down and began talking to him about his recent dismissal from UPS after four years of employment.

Nowak stated:

"Maxim continued to be highly irritated and would generally motion with the knives in a short-armed waving fashion from side to side. At other times Maxim would have the knives

down by his sides while they spoke. The trooper asked me to step further back and I did. The trooper continued asking Maxim to put the knives down and he continued to refuse.”

Two more troopers arrived. They continued to try to communicate with Maxim. He still held the two knives. Maxim was at “full-boil/angry.” Troopers advised Michael to step into the living room. As he did, he lost sight of the scene and heard four quick popping sounds that sounded like gunfire. He then saw Maxim on the ground. Maxim dropped the knives and a trooper moved them away from him and began medical treatment.

Interview with Brook Nowak

OIG Inspectors Richard Donaldson and William Brevard spoke with Maxim’s mother on March 1 after Maxim had been taken to the hospital. She said Maxim was hospitalized in January because of a mental breakdown at his job at UPS for yelling at coworkers and throwing things around the office. He later returned to work but was fired a few days ago for similar behavior. She said he was on the autism spectrum. He began drinking alcohol about a year ago. He was prescribed various medications to treat his alcohol use and his ADHD. She said Max brought a knife into the counseling session that day. The counselor, Pete, told them to call 211, then to call 911. Max threw the knife outside and Michael took it and put it away somewhere. Max calmed down somewhat until the police arrived. The woman police officer was talking very nice to him. Then I heard him react loudly when the other officers arrived. After he was shot, she ran into the kitchen and saw two knives on the floor that she had never seen before. She did not see the actual shooting but thought she heard four shots.

Report of Trooper Brian Contenta

Trooper Contenta wrote a report about the incident dated April 25, 2024.

He was dispatched along with Troopers Wendy Garcia-Campos and Douglas Bernier to 7 Meadow Drive in Bolton on March 1, 2024 at 2:14 p.m. for a subject who was reported to be suicidal and homicidal. CHR Mobile Crisis reported that the family of Max Nowak said he had a knife but they were not sure where it was. The CHR Mobile Crisis personnel would not be responding to the scene. While enroute he heard Trooper Garcia-Campos radio that she was on scene. A few moments later she advised Troop K that Max was currently holding a knife. Several minutes went by with no update from Trooper Garcia-Campos.

When he arrived on scene, Trooper Contenta exited his cruiser and ran toward the front door. He came face-to-face with Max who was standing approximately 12-15 feet in front of him in the kitchen. He recognized Max from a number of previous interactions.

His report continues:

“Max was standing in a balanced fighting stance, with one foot behind the other, both knees slightly bent, with both hands in a fighting position with what I recognized as combat/fighting knives in both hands, as if he was about to rapidly approach my direction. Due to Max holding a knife in each hand, I drew my State Police issued duty Glock 9mm pistol and pointed it at Max. As I held my position at the front door’s threshold, I observed Max holding the two fighting/combat knives, having one knife in each hand. The knives appeared to be designed for fighting due to their appearance and having double-edged blades. I began giving verbal commands, telling Max ‘hey bud, come on bud, let’s not do this OK.’ Max replied yelling ‘back the fuck up, back the fuck up.’ I told Max, ‘just relax Maxwell, relax Maxwell, come on buddy, drop the knife, OK Maxwell.’

“Max continued to present himself in a stance that I recognized to be an advanced hand-to-hand combat stance based on how he bladed his body at me while holding the knives so the blades were being brandished on the pinkie finger side of his closed fist grips. Max’s elbows were in an upward assaultive striking position. Max appeared to be calculating the troopers movements based on how he balanced his divided attention of focusing back and forth watching me to his right side and watching Trooper Garcia-Campos to his left side. These actions made it evident that Max appeared to have experience and/or training with knife fighting and hand-to-hand combat.

“While I continued de-escalation techniques and negotiating with Max, I tried to remind Max and gain his trust by reiterating that he knows me. I used a loud and clear voice giving verbal commands stating: ‘Drop the knife, drop the knife buddy come on, Maxwell please buddy drop it you know me, Maxwell please drop it, you know me buddy.’ Max failed to comply and refused to drop the knives. Max replied, ‘I know one of ya.’ Max’s father, who was standing to my right, tried to talk Max down by confirming, ‘Ya you know him.’ Max got angry at his father and yelled, ‘Please stay out of this dad, please stay the fuck out of this!’

Trooper Contenta continued to negotiate with Nowak while he considered options to get his father out of the house safely. Worried about a crossfire situation, he called out to Trooper Garcia-Campos to determine her location. Max continued to refuse to drop the knives. Trooper Doug Bernier arrived on scene, went to Trooper Contenta’s left side and announced that he had a Taser. He pointed his Taser at Max. Trooper Bernier gave clear and loud verbal commands to Max telling him three times to drop the knife. Max grew more angry based on his demeanor and he began yelling at Trooper Bernier, “put the Taser down, drop the fucking Taser.”

His report continues:

“Max then escalated his threatening behavior by cocking back his left arm into a throwing position and with his left hand, Max flipped the position of the knife in order to hold the knife by the blade. Based on my training and experience, the rapid flipping of the knife to

hold it by the blade is a universal sign that the individual holding the knife is about to throw it. The purpose of this move was to make the knife a potentially lethal projectile. When Max spun the knife, it allowed me to visually see the thin body profile and I immediately identified the knife as a throwing knife. Max's handling and manipulation of the knife was smooth and efficient appearing that he had advanced knife handling skills, experience and/or training. At this time, I knew Max was about to throw the knife at Mr. Nowak, Trooper Bernier or me. While Trooper Bernier and I stood approximately 12-15 feet from Max, with Mr. Nowak to my right, I knew my reaction time would not beat Max's action of throwing the knife at any of us. Due to Max's actions, his close proximity, his body movement and physical stance, as well as him flipping the knife into a throwing position caused me to immediately fear for the lives of, or serious bodily harm to Mr. Nowak, Trooper Bernier and myself. As a result, in order to prevent serious bodily harm or death of Mr. Nowak, Trooper Bernier and myself, I discharged my State Police issued Glock Pistol several times to stop the threat. (At the time, I did not recall the number of times that I discharged my firearm and I later learned I fired seven (7) times). After the rounds were discharged, Max fell to the ground.

"I advised dispatch that there were shots fired and Trooper Bernier requested dispatch to send an ambulance. I called out to Trooper Garcia-Campos to come to my voice to avoid crossfire. Once Trooper Garcia-Campos came to my location, Trooper Bernie and I approached Max and Trooper Bernier handcuffed him.

"Trooper Bernier, Trooper Garcia-Campos and I provided medical attention to Max's gunshot wounds and talked him through our treatment. Max stated that he was sorry several times and quoted 'I went off the walls' and 'I had a frustration attack.'"

Trooper Contenta's Background

Trooper Contenta has been a Connecticut State Trooper since May 7, 2010. He also served as a police officer in Hartford and in Lenox, Massachusetts beginning in 2001. He was involved in two other incidents in which he discharged his firearm while on duty. In 2012, he shot and killed a dog that was attacking another trooper. An internal investigation cleared him of any wrongdoing. In 2015, Contenta and a Manchester police officer shot a suspected bank robber who approached them with a box cutter. An investigation by the New London State's Attorney cleared him in that case. He has no other relevant disciplinary history.

Digital Evidence

The shooting was captured on the body worn cameras (BWC) of the officers on scene.

Trooper Contenta's BWC

The video from Trooper Contenta's BWC is consistent with the report that he wrote. It shows he entered the front door of the house and remained in that area for approximately 65 seconds until he fired his weapon when Maxim Nowak began twirling one of the knives in his left hand. Seven gunshots are heard. Contenta says "shots fired" into his radio. It appears Trooper Bernier fired his Taser simultaneously. Before firing, Trooper Contenta attempted to establish a rapport with Nowak and asked him several times to drop the knives. Trooper Bernier was to his left. Nowak falls to the ground and began to scream. Trooper Contenta calls for Trooper Garcia-Campos to come to the sound of his voice. It appears he is uncertain of her exact location. She eventually comes to the other troopers. Trooper Bernier holstered his Taser and moved towards Nowak to handcuff him while Trooper Contenta kept his firearm pointed at Nowak, who was on the floor. As they moved in, Nowak uttered, "I'm sorry, I'm sorry."

After Nowak is handcuffed, Trooper Contenta walks toward the front door and gets on his police radio and says, "He's in handcuffs, we need union representation. Start ambulance for trooper not injured and we need a supervisor ASAP." Contenta then directs Bernier to get medical supplies from his vehicle and begin life-saving treatment. When an EMT who arrived asked Nowak what happened today, Nowak told her, "I went off the walls, I had a frustration attack."

[Click [here](#) to view Trooper Contenta's BWC]

Trooper Bernier's BWC

Trooper Bernier's BWC shows when he entered the front door, Trooper Contenta was already there and had Nowak at gunpoint. Bernier immediately draws his Taser and tells Contenta he has less lethal Taser cover on Nowak. Nowak yells at Bernier to "put the fucking Taser down." Trooper Bernier replies in a calm manner that he will put his Taser down when Nowak drops the knife. Moments later seven shots are heard. Bernier's hands block the camera view of Nowak at the time the shots are fired by Trooper Contenta. It appears that Bernier fired his Taser just after the first shots are fired by Contenta. Trooper Bernier says, "start an ambulance" into his police radio. Both Troopers call for Trooper Wendy Garcia-Campos to come to them. Bernier handcuffed Nowak and dragged him away from the knives. Trooper Bernier then went to his vehicle to retrieve a medical bag and returned to treat Nowak.

[Click [here](#) to view Trooper Bernier's BWC]

Trooper Garcia-Campos' BWC

Trooper Garcia-Campos was first to arrive on scene. She encountered Michael Nowak at the end of the driveway. He told her that Maxim had not taken his medication and that Maxim had been making threats against his parents and himself. They walked in the house together. Michael told Maxim that "this lady would like to talk to you." Maxim Nowak walked to the kitchen and grabbed two knives. Trooper Garcia-Campos drew her firearm and told him to put the knives down. She announced on her portable radio that he had "knives on him." She asked him what was going on with him. He told her he was "booted out of UPS" after he had a "frustration tamper" and threw packages, one striking another employee. She attempts to de-escalate the situation by offering to talk to UPS if he puts the knives down. During most of the dialogue her view of Nowak is blocked by her arms. About four minutes after she entered the house, Trooper Contena is heard entering and speaking to Nowak. Nowak's twirling of the knife in his left hand is seen on this BWC just before gunshots are heard.

[Click [here](#) to view Trooper Garcia Campos' BWC]

Medical Records

Nowak was taken to Hartford Hospital to be treated for multiple gunshot wounds. According to medical records, he arrived "critically ill with a high probability of imminent or life-threatening deterioration." He was admitted to the hospital where he remained for 16 days. He sustained gunshot wounds to his small bowel, colon, and right hand. During the course of his treatment, a mental health assessment was conducted, and he was interviewed about what happened. He said he wanted to "forgive" what happened. When asked who he wanted to forgive, he replied, "first myself for not putting the knives down." He said he also wanted to forgive the police for what they did ... I think it was too much." He was asked why he made the gesture with the knife that led to him being shot by police. He could not explain it fully, but said, "I didn't have any intentions of harming anyone. This is not how I wanted the new year to go."

Toxicology tests conducted on Nowak during his hospital admission were negative for illicit drugs or alcohol.

Firearms Survey

Trooper Contenta's duty pistol was a 9mm Glock model 45, serial number BXEC714. Eastern District Major Crime Squad detectives examined the condition of the gun after the shooting. It held 10 rounds of Federal 9mm ammunition in a 17-round capacity magazine. One round was chambered. This suggests seven rounds were fired. He had two full 17-round additional magazines on his duty belt. Trooper Bernier's equipment was also examined. He also carried a 9mm Glock, which was full loaded. His Taser indicated that one cartridge had been fired.



[TFC Bernier's Taser]



[TFC Contenta's firearm]

Firearms Examination

At the request of this office, the Bridgeport Police Department Forensic Unit was asked to examine the ballistics evidence that was collected at the scene. Detectives concluded that the seven shell casings at the scene all were fired from Trooper Contenta's Glock pistol.

Interview of Peter Perrotta

On March 13, 2024 OIG Inspectors William Brevard and Steven Hunt interviewed Peter Perrotta, a psychotherapist who had been working with the Nowak family over Zoom for several months. He first started seeing Max individually for alcohol issues. He told them he had a session with the family the day of the shooting, March 1, 2024. During the session, Maxim seemed "disconcerted and visibly upset." He said Max was speaking nonsensically and was venting his frustrations while having a psychotic episode. His parents were afraid based on their body language. He said he witnessed Max make comments about wanting to hurt himself, so he told Michael Nowak to call 211. This displeased Max who said he was going to get his knife. Max returned to the room carrying a 3-inch folding knife. Perrotta saw Max waving the knife around. Before the police arrived, Michael was able to get rid of that knife. Perrotta stayed on the Zoom call through the time of the shooting and heard some of the conversation between Nowak and the officers leading up to the gunshots.

FINDINGS

The investigation supports the following findings of material fact:

1. On March 1, 2024 the Nowak family – Michael, Brook, and Maxim – was in the middle of a family counseling session with family therapist Peter Perrotta over Zoom at their home at 7 Meadow Road in Bolton, when Max began to behave erratically and in a threatening manner. Much of what he said was incomprehensible.
2. Earlier that day Maxim was making angry outbursts in the house. He was prescribed medication that he had not taken that morning. He had recently been fired from his job at UPS for behavior that included yelling and throwing packages at co-workers.
3. During the therapy session, Perrotta became concerned about Maxim's behavior and urged Michael to call the 211 Helpline. Michael called 211. This upset Maxim who returned to the room carrying a 3-inch folding knife that he waved in a menacing way in front of his parents while announcing his grievances. Michael Nowak was able to take the knife from Maxim and hide it outside in the back of a pickup truck.

4. The mobile crisis team from 211 did not respond to the house but placed a call to Connecticut State Police that there was a man at the address who wanted to harm himself and others. Troop K dispatched troopers to 7 Meadow Road.

5. Trooper Wendy Garcia-Campos arrived first. She met Michael Nowak outside where he told her Maxim had not taken his medication that day and was making threats. Trooper Garcia-Campos entered the house and took a position in the dining room facing Maxim Nowak in the kitchen. As soon as she walked in, Maxim grabbed two throwing knives from a basket in the kitchen. He held one knife in each hand. Trooper Garcia-Campos drew her firearm and asked him to put the knives down. She spoke to him calmly and attempted to de-escalate the situation by asking him what was bothering him. He told her about being fired from UPS because he had a “frustration tamper.” She offered to help by speaking to UPS on his behalf. She also asked about his hobbies and his family. She spoke to him for about three and a half minutes before Trooper Brian Contenta arrived.

6. Trooper Contenta knew Maxim from previous encounters. He entered the house and took a position just inside the doorway facing Maxim Nowak. Michael Nowak was to his right. Maxim was holding the two knives. Contenta drew his firearm and began speaking to Maxim, reminding him that they knew each other. He pleaded with him several times to drop the knives. After about 40 seconds, Trooper Douglas Bernier arrived and took a position to the left of Contenta. He drew his Taser and announced that he had less lethal cover on Nowak. Both troopers repeatedly told Nowak to drop the knives.

7. About one minute after Trooper Contenta entered the house and began the dialogue with Nowak, Nowak twirled around the knife in his left hand. Trooper Contenta then fired his Glock 9mm pistol seven times, striking Nowak in the hand and abdomen. At nearly the same time, Trooper Bernier fired his Taser. Nowak fell to the ground. The troopers moved toward Nowak, placed him in handcuffs, and began medical treatment. Nowak survived the gunshots but sustained serious injuries to his hand and intestines.

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 March 1, 2024, 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 (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

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, Maxim Nowak was holding two knives and was facing three state troopers, two of whom had their guns drawn, and another who had a Taser aimed at him. From the time

the first trooper arrived, about four minutes elapsed while troopers asked him to drop the knives and he would not. Trooper Contenta and Trooper Garcia-Campos attempted de-escalation measures by trying to develop a rapport with him. He continued to hold the knives, raised in his hands. Nowak's parents were in the house as well, close to where this was happening, his father steps away from Contenta and likely also within striking distance of Nowak if he were to throw a knife.

Trooper Contenta explains his decision to use deadly force in the report he wrote. He states that Nowak is in a fighting position holding what he recognized as combat knives in his hands. He says Nowak is in a stance that he recognizes "to be an advanced hand-to-hand combat stance based on how he bladed his body at me while holding the knives so the blades were being brandished on the pinkie finer side of his closed fist grips." He goes on to describe how Nowak's movements led him to conclude that he had experience or training with knife fighting or hand-to-hand combat. The conduct that altered Trooper Contenta's evaluation of the danger was when Nowak twirled the knife in his left hand. He claimed Nowak's flipping the knife to hold it by the blade is a "universal sign" that a person is poised to throw the knife, based on his training and experience. He said that is when he chose to fire his weapon – because he "knew Max was about to throw the knife at Mr. Nowak, Trooper Bernier or me." Trooper Bernier provided a similar justification for his Taser deployment: that an attack was imminent.

An evaluation of justification here depends on the reasonableness of Trooper Contenta's belief that a person was facing imminent use of deadly force. Part of this analysis must account for his statement that the twirling of the knife was a "universal sign" of preparatory conduct to knife throwing. His conduct could be considered reasonable if that understanding would be a reasonable belief of other officers. To gain some insight into trooper training in this area, I spoke to the commandant at the Connecticut State Police Training Academy, Lieutenant Anthony Cristy and a member of the training cadre who instructs in this area, Sergeant Anthony Sciarretto. I was interested to know whether, in fact, troopers are trained that a knife twirl is a universal sign as Contenta claimed. Speaking with them, it appears that is not the case. Instead, they suggest Trooper Contenta's understanding is more likely attributable his own personal training and experience in law enforcement.⁴ However, the act of an individual raising a knife and locking his arm, would be a "universal sign" according to the academy staff. That act is generally recognized as a preparatory movement to throwing a knife. In the BWC video, Nowak is seen raising and locking his arm before he spins the knife. Therefore, it would be reasonable for Trooper Contenta, or another police officer, to conclude that Nowak intended to use deadly force imminently.

⁴ That is certainly plausible given the trooper's 23 years as a sworn police officer.

CONCLUSION

The investigation establishes that Trooper Contenta's use of deadly force was reasonable to defend himself, Trooper Bernier, and Michael Nowak. 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 June 2025.



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INSPECTOR GENERAL