

**ATTORNEY GENERAL'S OFFICE REPORT REGARDING  
THE JANUARY 21, 2024, OFFICER-INVOLVED SHOOTING  
INCIDENT IN NASHUA, NEW HAMPSHIRE**

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**I. INTRODUCTION**

Attorney General John M. Formella announces the completion of the investigation into the fatal shooting incident that occurred in Nashua, New Hampshire, on January 21, 2024, that resulted in the death of Heath Thompson (age 39). The purpose of this report is to summarize the Attorney General's factual findings and legal conclusions regarding the use of deadly force that resulted in Mr. Thompson's death. The findings and conclusions in this report are based upon information gathered during the investigation, including first-hand views of the scene, witness interviews, numerous official reports and reviews of physical evidence, photographs, video footage, and audio recordings.

On January 21, 2024, Nashua Police Officers Cameron Hult, Wade Hansen, and Connor Reynolds used deadly force against Mr. Thompson, firing multiple rounds and hitting him once in the chest. Simultaneously, Officer Dakota Van Tassel attempted to use non-deadly force by firing a 40mm eXact iMpact™ sponge round or blunt impact round (BIP). As a result of this force by the officers, Mr. Thompson passed away.

As provided in RSA 7:6, RSA 21-M:3-b and RSA 21-M:8, II(a), the Attorney General is the State's Chief Law Enforcement Officer and has the authority to investigate and prosecute major crimes, including instances where a crime punishable by up to life imprisonment is committed. In addition, the Attorney General has the responsibility to ensure that whenever a law enforcement officer uses deadly force, the officer has done so in conformity with the law.

When reviewing the use of deadly force by law enforcement officers, the Attorney General does not investigate or opine on the particular procedures or tactics used by the officers.

Instead, the Attorney General’s review of officer-involved use of deadly force incidents consists of a criminal investigation, which is limited to determining whether the officer(s) complied with the applicable law, the use of force was justified because the officer(s) reasonably believed that such force was necessary to defend himself or herself or a third party from what the officer(s) reasonably believed was the imminent use of deadly force.

Based on the investigation of this deadly force incident, Attorney General John M. Formella finds that the use of deadly force against Heath Thompson by Nashua Police Officers Cameron Hult, Wade Hansen, and Connor Reynolds on January 21, 2024, was legally justified.

## **II. THE SCENE**



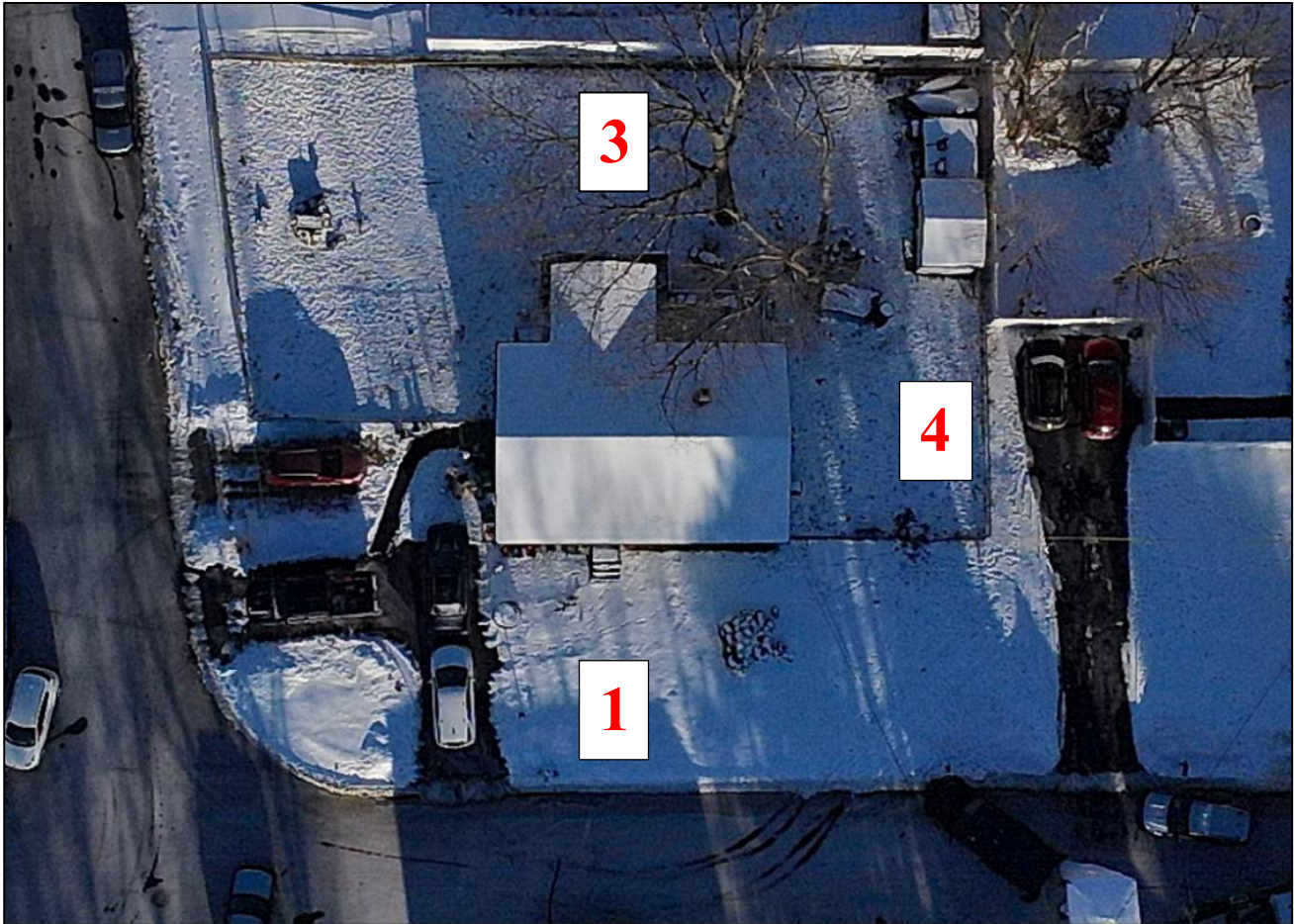
*Image 1 – Photograph showing 49 Marie Street in Nashua.*

Mr. Heath Thompson lived at 49 Marie Avenue in Nashua with his wife, Crystal Thompson, Mrs. Thompson’s two minor children, S.T. and H.P., and her mother, Sandra Widmer. A friend of Mrs. Thompson’s, Justin Francoeur, lived in a room in the basement. The home is located on the corner of Marie Avenue and Edmond Drive in a suburban residential

neighborhood. There are four bedrooms on the main floor of the house, with a makeshift bedroom in the basement where Francoeur slept and kept his belongings.

The home is a single-story structure with three points of entry: (1) a front door facing Marie Avenue; (2) a side door facing Edmond Drive; and (3) a porch door that opens onto a deck facing opposite of Edmond Drive. The front and side doors are both accessible by short walkways from the driveway, which is a small horseshoe that opens onto both Marie Avenue and Edmond Drive. The porch door in the rear is a sliding glass door that connects a porch to a deck that sits a few steps above the ground. On the night of the incident, Mr. Thompson repeatedly went out and back in both the side and porch doors. When he fired at police, Mr. Thompson was on the deck just outside the porch door.

The responding officers used a number system to identify the various sides and corners of the home. Going clockwise, the front of the home on Marie Avenue was referred to as 1 side, the side of the home facing Edmond Drive was 2 side, the backyard was 3 side, and the side of the yard facing the vehicle (“red SUV”) the four officers took cover behind was 4 side. The corners of the property were identified by combining the intersecting numbers, such as 1-4 or 2-3. In the image below, the four sides of the home are labeled with their corresponding number.



*Image 2 – Aerial photograph of 49 Marie Avenue. To the left is Edmond Drive and the side entrance. At bottom is Marie Avenue and the front entrance. The porch door and deck are obscured by the tree in the backyard. To the right are the two cars that Officers Cameron Hult, Wade Hansen, Connor Reynolds, and Dakota Van Tassel took cover behind.*

### **III. SUMMARY OF THE FACTS**

On January 20, 2024, at 11:46 p.m., a male who identified himself only as the grandfather of Mrs. Thompson’s children called 911. Referring to Mr. Thompson, he reported that his grandchildren’s stepfather, who was drunk, had a gun and was engaged in an argument with Mrs. Thompson. Because of the argument and her perception that Mr. Thompson was on the cusp of becoming violent, Mrs. Thompson had called her father – later identified as Jay Trask – to pick up her children and keep them safe. Mrs. Thompson’s older daughter, S.T., then came on the line and continued to provide the dispatcher with information. S.T. reported that her mother and Mr. Thompson were engaged in a “fight.” While the altercation itself was only verbal, S.T. said that

Mr. Thompson was intoxicated and had at least one gun on his person. He had threatened Mrs. Thompson and demanded that she leave the house. S.T. was of the belief that, at the time she was speaking to the dispatcher, Mr. Francoeur was with Mr. Thompson attempting to calm Mr. Thompson.

S.T. further reported that the argument began in the basement, with yelling followed by a loud bang, which she believed was the result of Mr. Thompson stabbing a wall with his knife. Shortly thereafter, Mr. Thompson ascended the basement stairs and demanded they all get out of the house. He also threatened Ms. Widmer, who suffered panic attacks whenever Mr. Thompson became agitated, telling the others that they had to choose between her suffering a heart attack or having “her brains blown out.”

Officers immediately began responding to the 49 Marie Avenue address. Officers Hult and Hansen arrived at the scene in their respective patrol vehicles. Officer Van Tassel, one of only two members of NPD’s SWAT team working that night, was working dispatch at NPD’s headquarters when the 911 call was placed. Based upon what was reported to him, he brought the BearCat, a tactical SWAT vehicle, to the scene. Officer Reynolds, the other member of NPD’s SWAT team working that night, cleared the scene of a separate motor vehicle collision and returned to NPD’s headquarters, where he joined Officer Van Tassel in the BearCat. Officer Van

Tassel, noting officers taking cover behind patrol vehicles when he arrived, parked the BearCat on the 1-4 corner, as he believed it offered better ballistic protection.



*Image 3 – Photograph showing the open area at the 1-4 corner. This photo demonstrated the potential field of fire, between Officers Cameron Hult, Wade Hansen, Connor Reynolds, and Dakota Van Tassel and the relative safety of the street while later encountering Heath Thompson.*

Upon arriving, Officers Hult and Hansen took up a position behind the red SUV, providing coverage of the 4 side. From their position they could see the two windows on the side of the house, the back porch and deck, and the backyard. Directly behind them and to the right was a white vinyl fence. To their left was 49 Marie Avenue’s side yard and a neighbor’s driveway. Officers Van Tassel and Reynolds joined them shortly thereafter.

On the other side of the house (2 side), Officers Kyle Riddle and Thomas Crowley took up positions covering the 1-2 corner. They were both equipped with rifles. Officer Riddle also had access to a beanbag shotgun, a less lethal option with limited range, which was stored in his patrol vehicle.



*Image 4 – Photograph showing the Red Nissan Rogue that Officers Cameron Hult, Wade Hansen, Connor Reynolds and Dakota Van Tassel took cover behind on the 4 side of the home. The officers were facing to the left of the photo.*



*Image 5 – Photograph showing the area where Officers Cameron Hult, Wade Hansen, Connor Reynolds and Dakota Van Tassel stood while taking cover and the white vinyl fence immediately behind them.*

Over the course of approximately nineteen (19) minutes – from 12:03 a.m. to 12:22 a.m.– Mr. Thompson repeatedly exited and reentered through two sides of the home: the side door on the 2 side, and the porch

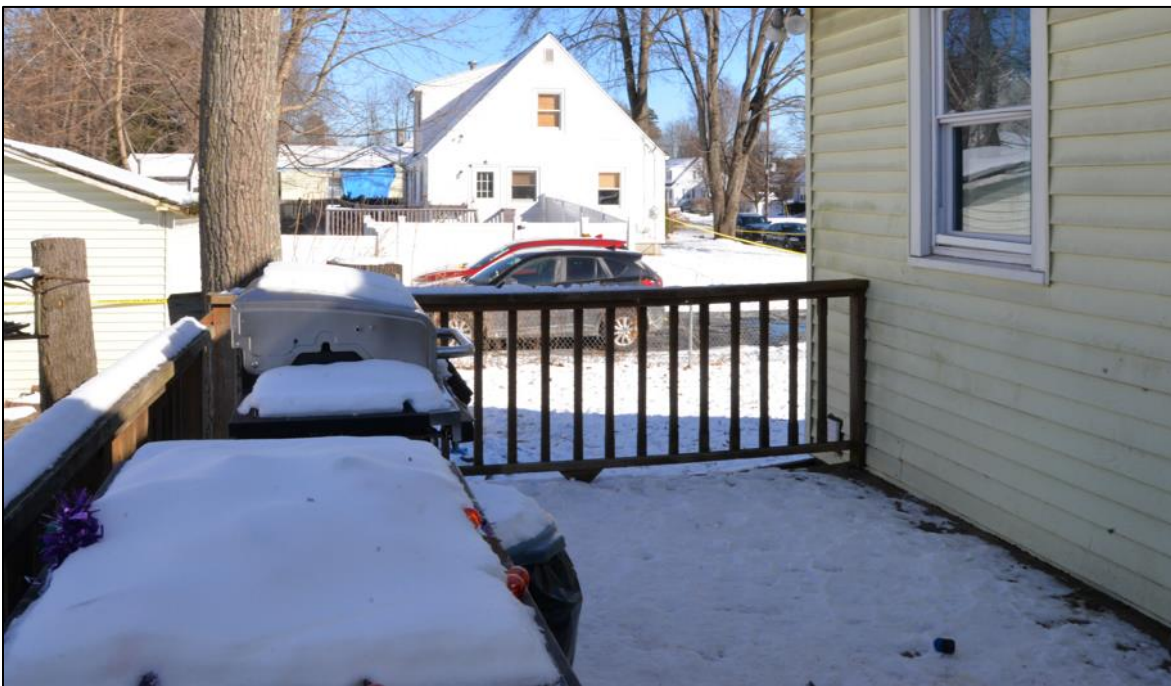
door on the 4 side. Each time he verbally engaged with police while ignoring their commands to show them his hands and walk out to the street. First, at 12:03 a.m., he presented himself on the 2 side, where Officer Riddle repeatedly commanded Mr. Thompson to show his hands and walk toward the street. Mr. Thompson ignored Officer Riddle's commands, instead threatening to shoot any officers who came onto his property. As he returned inside, Officer Crowley noticed a firearm on Mr. Thompson's right hip.

Then at 12:13 a.m., Mr. Thompson appeared on the 4 side for the first time, letting several dogs out into the backyard. Officers Hult and Hansen identified themselves as members of NPD and commanded Mr. Thompson to show them his hands. He failed to comply and returned inside.

At 12:17 a.m., Mr. Thompson returned to the 2 side, descending the steps this time towards the walkway. As Officer Riddle again told him to show his hands and walk toward the street, Mr. Thompson variously raised and lowered his hands. He first raised his hands and then lowered them. Then he reached toward his hip, withdrew a firearm, and raised his hands again, the gun pointing toward the sky. He quickly lowered it, returning it to his hip area, before mounting the steps and returning inside. No more than a minute later, Mr. Thompson reappeared on the 2 side, gun in hand. As Officer Riddle again shouted commands to him, Mr. Thompson asked to speak to this brother, "Joe." Officer Riddle asked Mr. Thompson if speaking to Joe would help deescalate the situation, but without answering, Mr. Thompson returned inside instead.

At 12:20 a.m., Mr. Thompson appeared on the 4 side again, letting the dogs back inside. The officers on that side, Officers Hult, Hanson, Reynolds, and Van Tassel issued additional commands, telling Mr. Thompson to show them his hands and asking him to come outside to

talk. Mr. Thompson told the officers that the officers were done talking and they needed to make a choice. He briefly returned inside before reemerging and telling the officers he wanted to speak to “Joe,” indicating, “My brother or nothing.” Mr. Thompson then told police, “I’m going to shoot you or you’re going to shoot me.” Officers Van Tassel and Hansen both responded by saying, “Don’t make us do that.” Seconds later, at 12:22 a.m., officers saw Mr. Thompson extend his right hand extended perpendicular from his torso toward the officers, and fire a single gunshot toward the officers. In response, Officer Van Tassel fired the less lethal 40mm sponge ball launcher while Officers Hult, Hansen, and Reynolds discharged their firearms. Mr. Thompson was struck by one gunshot in the chest. Mr. Thompson was later pronounced dead at the scene.



*Image 6 – Photograph showing the viewpoint from the deck where Heath Thompson fired a shot with the camera pointed toward the red SUV Officers Hult, Hansen, Reynolds, and Van Tassel, had taken cover behind.*

#### **IV. THE INVESTIGATION**

##### **A. Police Video**

Investigators obtained and reviewed forty-three (43) video recordings from the night of the incident from officer-worn body cameras (“BWC”) and motor vehicle recordings (“MVR”) from the responding patrol vehicles. All the cameras were found to be functioning normally and recorded the officers responding to the call. At various points, several of the officers muted the audio recording while discussing tactics, and the cameras of a few officers were blocked by the additional armor of the external plate carriers they were wearing. Of the forty-three (43) video recordings reviewed, six (6) captured video most relevant to this investigation. The relevant content is summarized below:

##### **1. Officer Gabriel Reyes’ BWC**

Due to his central positioning near the BearCat for most of the incident, Officer Gabriel Reyes, while not directly involved in the shooting, was able to capture critical audio and video of several events on his BWC.

At approximately 11:57 p.m.,<sup>1</sup> Officer Reyes joined other officers positioned behind the red SUV, at which point some yelling occurred. Approximately three minutes later, police made contact with Mr. Thompson on the 3-4 corner. One officer yelled to Mr. Thompson, “Sir, this is the Nashua Police Department.” Mr. Thompson, however, returned inside, and the officers lost sight of him. At approximately 12:02 a.m., officers at another location can be heard yelling at Mr. Thompson to show them his hands. Seconds later, Officer Reyes left his position by the red SUV

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<sup>1</sup> The officers’ BWC track in real time with the time of day displayed at the top of the video playback.

and returns to the street, taking a position behind a cruiser. Less than a minute later, an officer in the distance can be heard yelling, “Keep your hands in the air and walk towards us.”

Beginning at approximately 11:59 p.m. and continuing for the next fifteen (15) minutes, NPD made at least fourteen (14) announcements over via the BearCat’s loudspeaker, all of which carried slight variations of the same message: “Heath, this is the Nashua Police Department. You need to exit the residence with your hands up and walk to the street.” Mr. Thompson did not comply with any of these announcements.

At 12:13 a.m., several officers can be heard yelling as Mr. Thompson emerged on the 4 side. Several dogs can be heard barking in the yard seconds later. At 12:15 a.m., the officers received an update over the radio from another officer on scene, who relayed that Mr. Thompson was potentially suicidal and might harm himself directly or by officer intervention. Three minutes later, Officer Riddle can be heard yelling in the distance, “Put your hands in the air.” In response, Officer Reyes began to push toward the to the 2 side. While Officer Reyes is near the BearCat, at 12:20 a.m., Officer Van Tassel can be seen on camera receiving the 40mm less lethal launcher. As Officer Van Tassel is loading the 40mm, Officer Crowley can be heard on the radio alerting the other officers that Mr. Thompson was standing in front of the doorway on the 2 side, with a gun in his right hand, and was non-compliant.

Two minutes later, an officer on the 4 side can be heard calmly saying, “Don’t make us do that, man.” Ten seconds later, at 12:22:16 a.m., a single pistol shot is heard, followed shortly

thereafter by a series of returning gunshots, stopping when Officer Van Tassel can be heard yelling, "Cease fire."

## **2. Officer Cameron Hult's BWC**

Officer Hult's BWC was activated, with audio, at 11:54 p.m., as he arrived at the scene. At approximately 12:05 a.m., the camera captured him as he joined Officer Hansen behind the red SUV covering the 3-4 corner. While he was behind the red SUV, his camera was often blocked by the vehicle. The audio, however, is relatively clear, and better captured the statements made by everyone than Officer Reyes' BWC.

At approximately 12:13 a.m., Officers Hult and Hansen verbally indicated Mr. Thompson was at the sliding glass door to "release dogs outside." The officers announced they were Nashua police officers and yelled at Mr. Thompson to show them his hands. Mr. Thompson cannot be heard on the audio saying anything in response before returning inside. A couple minutes later, Officer Hult made a request for an officer with the less lethal 40mm foam launcher. Approximately four minutes later, at 12:19 a.m., audio captured Officers Van Tassel and Reynolds joining Officers Hult and Hansen behind the red SUV, Officer Van Tassel armed with the 40mm launcher.

Less than a minute later, multiple officers yelled, "Show me your hands," when Mr. Thompson, presented himself to the officers on the 4 side. Officer Van Tassel can be heard following this saying, "Come outside and let's talk about this. Just show me your hands." Mr. Thompson's can be heard replying, "Nope." Officer Hult responded, "We can talk about this." Mr. Thompson replied, "You guys are done talking. Let's go. You're going. Pick one."

At 12:21 a.m., Mr. Thompson asked to speak to his brother. The officers asked for the brother's name, phone number, and address. Mr. Thompson told them to "figure it out." Officer

Hult answered, “That’s what we’re going to try to do. We’re trying to help you.” As the officers continued attempting to build a rapport with Mr. Thompson, at 12:22:16 a.m., the following exchange occurred:

**Thompson:** I’m going to shoot you or you’re going to have to shoot me.

**Officer Van Tassel:** Don’t make us do that, man.

**Thompson:** Pick one.

**Officer Hansen:** Heath, do not make us do that. (short pause) Heath.

**Officer Van Tassel:** Guys, if I say I’m going—

Before Officer Van Tassel can finish his sentence, a single pistol shot is heard.

The camera captures Officer Hult initially stumbling back and below the top of the red SUV before recovering and taking a shooting position, firing several shots. Several shots can also be seen being fired by Officer Reynolds. As Officer Hult steps back and away from the red SUV following the single pistol shot, the blue eXact iMpacT round in Officer Van Tassel’s 40mm can clearly be seen discharging from the launcher. The shooting ends seconds later at 12:22:21 a.m. as Officer Van Tassel yells, “Cease fire.”

### **3. Officer Dakota Van Tassel’s BWC<sup>2</sup>**

Officer Van Tassel activated his BWC at 12:19 a.m., as he was first approaching the red SUV, approximately three minutes before Mr. Thompson fired at police. At 12:20 a.m., Officer Van Tassel returned to the BearCat and retrieved the 40mm foam launcher from the BearCat, and can be heard saying “blue” four times as he loaded the launcher with the less lethal rounds.<sup>3</sup> He then told Officer Reynolds that he and Officer Reynolds will respond to whichever side Mr.

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<sup>2</sup> Actions/statements captured on by Officer Van Tassel’s BWC that are solely duplicative of those captured by Officers Reyes or Hult’s BWCs are not repeated.

<sup>3</sup> The less-lethal rounds themselves are colored blue.

Thompson next appears. Almost simultaneously, officers called out that Mr. Thompson had appeared on the back porch. Officers Van Tassel immediately ran over and took a position at the

red SUV. As he approached the red SUV, the exchange between the officers and Mr. Thompson captured by Officer Hult's BWC can be heard in greater detail:

**Officer Hansen:** Just come out in the street with nothing in your hands. We can have a conversation.

**Thompson:** (inaudible) now.

**Officer Hansen:** We can have a – just come out with nothing in your hands, and we can have a conversation.

**Thompson:** My brother or nothing. Shut the fuck up.

**Officer Hansen:** What is your brother's name?

**Thompson:** (inaudible)

**Officer Hult:** What's his phone number?

**Officer Van Tassel (to the other officers):** Can you get visual on the firearm?

**Two other officers, simultaneously (in response to Officer Van Tassel):** No, I can't see it.

**Officer Hult (to Thompson):** Where does he live?

**Thompson:** (inaudible) Shut the fuck up. Um, figure it out.

**Officer Hult:** That's what we're going to try to do. We want to help you.

**Thompson:** I'm going to shoot you or you're going to shoot me.

**Officer Van Tassel:** Don't make us do that, man.

**Thompson:** Pick one.

**Officer Hansen:** Heath, do you not make us do that. (short pause) Heath.

**Officer Van Tassel:** Guys, if I say I'm going –

One second later, a single pistol shot is heard. Officer Van Tassel then fires one round from the 40mm launcher, and quickly stooped to retrieve his rifle. As he stood up

and brought his rifle to bear, he called out “Cease fire” twice. The camera footage shows Officer Van Tassel did not fire his rifle.

**4. Officer Kyle Riddle’s BWC and Officer Thomas Crowley’s BWC and MVR<sup>4</sup>**

Officer Kyle Riddle activated his BWC at midnight, just as Mrs. Thompson and Joseph Valliere are seen running to safety toward the patrol vehicles. Officer Riddle took a position on the 2-1 corner, which offered a full view to Officer Riddle of the residence’s 2 side door. At 12:03 a.m., an officer is heard saying, “Here he comes,” referring to Mr. Thompson. Officer Riddle immediately began shouting, “Show me your hands.” He repeated this several times before adding, “Walk towards me.” He repeated variations of this command for approximately fifty (50) seconds until Mr. Thompson, not visible on Officer Riddle’s BWC, reentered the home. As Mr. Thompson reentered, Officer Riddle said he could see a firearm in a holster on Mr. Thompson’s right hip. Mere seconds before Mr. Thompson returned inside, Officer Crowley’s radio call is captured by the BWC saying Mr. Thompson threatened to shoot any officers who stepped onto his property.

Video footage of Mr. Thompson during the above interactions with Officer Riddle was captured by Officer Crowley’s BWC. After this initial encounter, Officer Crowley’s BWC is obscured and Mr. Thompson can no longer be seen.

The remaining interactions between Mr. Thompson and the officers on the 2 side were captured on the MVR inside Officer Crowley’s patrol vehicle.<sup>5</sup> The MVR faintly captured Officer

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<sup>4</sup> Actions/statements captured by these officers’ BWCs that are solely duplicative of those captured by Officers Reyes, Hult, or Van Tassel’s BWCs are not repeated.

<sup>5</sup> The MVR’s are not synced to a time clock. Any references to time are the time stamps of the video.

Riddle at times. The audio from Officer Riddle's BWC and Officer Crowley's MVR, when audible, align. The events captured by Officer Crowley's MVR match Officer Riddle's BWC.

Approximately thirteen minutes after he retreated inside from Officer's Riddle and Crowley, Mr. Thompson reappeared again at 12:17 a.m. (23 minutes, 31 seconds on the MVR), at the door on the 2 side. As seen on the MVR, he climbed down the stairs and raised his arms out to the side, his hands a few inches above shoulder height. As Officer Riddle was commanding Mr. Thompson to show his hands and walk toward the officer, Mr. Thompson lowered his hands to his side and remained in place. At one point, Mr. Thompson raised an empty right hand, lowered it to his hip, removed a firearm and then pointed at the sky. He quickly lowered it and appeared to return it to a holster on his right hip. As Mr. Thompson is pointing the gun at the sky, Officer Crowley stated, "Gun in hand." Mr. Thompson then climbed to the top step outside the side door and turned sideways and gestured with his hands as if he is speaking to Officer Riddle. The only audible response captured from Mr. Thompson was "Nope." At 12:18:30 a.m. (24 minutes, 38 seconds on the MVR), Mr. Thompson reentered the home, briefly pausing in the threshold before closing the door.

At 12:19:31 a.m. (25 minutes, 39 seconds on the MVR), Mr. Thompson reappeared on the 2 side. Officer Riddle again shouted commands to Mr. Thompson to "Show me your hands and walk towards me." While difficult to see on the video, Officer Crowley can be heard on the radio in the cruiser stating, "Looks like gun in right hand." Officer Riddle shouted, "Drop it." Mr. Thompson remained relatively motionless on the top step as Officer Riddle repeated his earlier commands for Mr. Thompson to display his hands and walk toward the street. Mr. Thompson did not comply, lingering on the 2 side. Officer Riddle then asked Officer Crowley to "get on the radio.

I need a 40[mm] over here. I don't have the range on this beanbag.”<sup>6</sup> Almost simultaneously, at 12:20:05 a.m. (26 minutes, 14 seconds on the MVR), Mr. Thompson asked for his brother “Joe.” Officer Riddle asked, “Will you talk to Joe on the phone? Can we get Joe on the phone? Is that gonna help? Can he call you? Will you answer the phone?” Mr. Thompson’s reply cannot be heard, but Officer Riddle resumed commanding Mr. Thompson to put his hands in the air and walk toward him. He then asked Officer Crowley to let the other officers know, via the radio, that Mr. Thompson wanted to speak to “Joe.”

At 12:20:44 a.m. (26 minutes, 53 seconds on the MVR), Mr. Thompson was captured heading inside, opening the door, and turning in the threshold to look back at the officers. He cannot be heard. Officer Crowley announced on the radio, “He’s going back inside. His request is talking to his brother Joe.”

Mr. Thompson never returned to the side door or the 2 side of the house. At 12:21:48 a.m. (28 minutes, 1 second on the MVR), an officer can be heard on the radio stating, “Contact on the 3 side.” Twenty-six seconds later, a single pistol shot is heard followed by return fire.

## **B. Physical Evidence**

### **1. Scene and Mr. Thompson’s weapons**

The New Hampshire State Police Major Crimes Unit, under the direction of the Office of the Attorney General, searched, processed, and documented the exterior and interior of the home, as well as the area around the red SUV parked in the neighbor’s driveway.

From Mr. Thompson, NPD recovered two 9mm handguns, a Glock 17 and an SCCY CPX-2. The CPX-2 was still in Mr. Thompson’s hand when NPD recovered his body. The Glock 17, which was discovered in the porch near Mr. Thompson’s body, had one live round in the

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<sup>6</sup> At the time, Officer Crowley was armed with a different less-lethal system, a bean bag firing shotgun. This shotgun was never fired during the entirety of the event.

chamber but no magazine. The magazine was later retrieved from Mr. Trask, who had received the magazine from Mrs. Thompson prior to the arrival of the police department that night.<sup>7</sup> It contained seventeen (17) rounds. The SCCY had one live round in the chamber and an additional eight (8) rounds in the inserted magazine, with a magazine capacity of ten (10) rounds.

## **2. Officers' Weapons**

The weapons utilized by Officers Van Tassel, Hult, Hansen and Reynolds were taken into evidence. Officer Reynolds's M400 rifle was secured with one live 5.56 round in the chamber and fourteen additional rounds in the magazine. The rifle was equipped with a light and a Sig Romeo Red Dot Optic.

Officer Hult's Sig Sauer P320 9mm sidearm was similarly outfitted with a light and a red dot sight. It held one live Speer 9mm Luger 22 round in the chamber, with 21 additional rounds in the magazine. Officer Hult had two additional magazines on his person, one with 21 additional Speer 9mm Luger 22 rounds and another with 17.<sup>8</sup>

Officer Hansen's Smith & Wesson M&P15 rifle was also equipped with a light and an optic. It was loaded with one live FC 22 REM .223 round in the chamber and nineteen (19)

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<sup>7</sup> In an interview, Mr. Trask told investigators that S.T. had given him the fully loaded magazine when he arrived at 49 Marie Avenue to pick up the children. Mr. Thompson had removed the magazine in the kitchen prior to the police arriving. S.T. had secured the loose magazine.

<sup>8</sup> Officer Hult indicated in his interview that he swapped out magazines after firing at Mr. Thompson. He did so to have a full magazine in the event of additional shooting.

additional rounds in the magazine. Officer Hansen had two additional magazines with him, both fully loaded with thirty (30) rounds.

In total, the officers fired twenty-eight (28) rounds. Officer Reynolds fired fifteen (15) shots, Officer Hansen fired ten (10) shots, and Officer Hult fired three (3) shots.

Finally, Officer Van Tassel's LMT 40mm Defense Tactics 4-Shell Launcher was secured. Inside the cylinder were three (3) live rounds and one (1) spent casing. An additional live round was taken from the exterior clip.

### **C. Interviews with Officers Van Tassel, Hult, Hansen and Reynolds**

Officers Dakota Van Tassel, Cameron Hult, Wade Hansen and Connor Reynolds all utilized force during this incident. Officers Hult, Hansen and Reynolds discharged their respective firearms, while Officer Van Tassel deployed non-lethal force. They were each interviewed during the course of this investigation. Their interviews are summarized below.

#### **1. Officer Dakota Van Tassel**

On January 31, 2024, members of the Office of the Attorney General conducted an interview with Officer Dakota Van Tassel. Officer Van Tassel recall and description of events were corroborated by the various videos and physical evidence. Officer Van Tassel has served as a police officer since May 2017, beginning his career as a patrol officer with the Bristol (N.H.) Police Department. He joined the Nashua Police Department in April 2021. He serves as a patrol officer and a field training officer. He is also a member of Nashua's SWAT team, with training in less lethal tactics and is an instructor of the CRASE course, the Civilian Response to Active Shooter Events. Officer Van Tassel indicated he had not reviewed his BWC or any other footage before sitting down for the interview. Prior to January 20, 2024, he never had any interaction with Mr. Thompson or responded to any calls at 49 Marie Avenue.



*Image 7 -- Photograph showing the uniform Officer Van Tassel was wearing.*

On the night of the incident, Officer Van Tassel, working a double shift from 2 p.m. to 6 a.m., was assigned to booking at the Nashua Police Department headquarters. With no one to book, he began working dispatch. While working dispatch, he heard the call for service for 49 Marie Avenue. He understood that the call originated as a verbal domestic, though a man was reported to be inside the home with a firearm. Officer Van Tassel reported he was actively dispatching the call when the situation began to escalate. After direct threats were made by the man with the firearm to officers already on scene, Officer Van Tassel, the most senior member of the SWAT team on duty that night, decided to put on his tactical gear and take the BearCat to the scene.<sup>9</sup> As Officer Van Tassel was preparing to head to the scene, Officer Reynolds arrived back at headquarters and the two rode together in the BearCat. On their way to the scene, Officer Van Tassel continued to receive updates about the suspect known only at the time as “Heath,” who he was told was repeatedly exiting and reentering 49 Marie Avenue while making threats with a gun in his hand.

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<sup>9</sup> As he was putting on his gear, Officer Van Tassel received a call from Sergeant Richard Sprankle, who asked him to bring the BearCat to the scene.

Upon their arrival with the BearCat, Officer Van Tassel noted the shift-wide response and a number of officers taking cover behind their cruisers. To provide them with additional cover, he pulled the BearCat in front of the cruisers on the northeast corner of the property, at the 1-4 corner.

Officer Van Tassel then grabbed his rifle and sought to support the younger officers on scene, heading toward Officers Hult and Hansen, who had taken cover behind the red SUV on the 4 side. By the time Officer Van Tassel reached cover, Mr. Thompson had already reentered the house. Moments later, Officer Van Tassel recalled, a call came over the radio from Officer Thomas Crowley, who was requesting an officer to respond to the 1-2 corner with a 40mm launcher because Officer Crowley's less lethal beanbag shotgun was out of range. Officer Van Tassel immediately returned to the BearCat to retrieve the 40mm launcher, loading it with four blue sponge rounds. Before Officer Van Tassel could respond to the 1-2 corner, Mr. Thompson reemerged on the 4 side and Officer Van Tassel returned to the red SUV.

Officer Van Tassel had several concerns with their position; (1) the effectiveness of the 40mm launcher, while within range, was potentially compromised by the deck railing; (2) the SUV did not offer ideal ballistic protection, as bullets can pass through car doors and windows; (3) the small red SUV did not provide an optimal platform if they needed to fire back, potentially impacting accuracy; and (4) due to the extreme cold that night, the officers were struggling to keep their hands warm and maintain dexterity in their fingers, potentially impacting their ability to fire accurately, if required.

Just prior to the shooting, Officer Van Tassel indicated that the four officers were in a line behind the red SUV: Officer Reynolds to Officer Van Tassel's left, Officer Hult to his right and Officer Hansen to his far right. Officers Reynolds and Hult were armed with rifles, and Officer

Hansen was armed with his sidearm. Officer Van Tassel maintained the 40mm launcher. As the four officers were keeping watch over the house from this position, Officer Van Tassel saw Mr. Thompson for the first time standing in the threshold of the sliding glass door with what Officer Van Tassel described as a dark colored pistol in his right hand.

Office Van Tassel described Mr. Thompson as belligerent and non-compliant, taking an aggressive stance with his chest puffed up and yelling about wanting to speak to his brother Joe. At no point did Mr. Thompson offer or attempt to surrender. Officer Van Tassel also recalled Mr. Thompson yelling something to the effect of, “I’ll shoot you or you’ll shoot me.” To keep Mr. Thompson talking and deescalate the situation, Officer Van Tassel responded by saying, “Don’t make us do that.” It was at that point that Officer Van Tassel saw Mr. Thompson raise his right arm perpendicular to his torso with a pistol in his hand and fire a single shot toward the officers. Officer Van Tassel did not recall hearing the shot, but he “distinctly remember[ed]” seeing the muzzle flash. Officer Van Tassel then deployed the 40mm launcher and the other officers fired their weapons, stopping when Officer Van Tassel called for a ceasefire. Officer Van Tassel was not certain which officers fired or how many shots were fired.

Officer Van Tassel explained that he fired because he was in fear for the safety of the general public, and neighbors, “in which [Thompson] was firing rounds in their location as well as ours. I was in fear for the safety of my fellow officers as well as myself.”

## **2. Officer Connor Reynolds**

On February 2, 2024, members of the Office of the Attorney General conducted an interview with Officer Connor Reynolds. Officer Reynolds recollected limited details of the event. Officer Reynolds joined the Nashua Police Department in July 2022 as a patrol officer, and he was working the 10 p.m. to 6 a.m. shift the night of this event as a fully uniformed patrol

officer. He has also engaged in in-house SWAT training. He carried his SWAT rifle, a Sig Sauer M400 with a red dot sight on patrol. On the night of January 20, 2024, he was wearing his standard issue police uniform with an external plate carrier.<sup>10</sup> Officer Reynolds indicated that he had not reviewed his BWC or any other footage before sitting down for the interview. Prior to January 20, 2024, he never had any interaction with Mr. Thompson or responded to any calls at 49 Marie Avenue.



*Image 8 – Photograph showing the uniform Officer Reynolds was wearing.*

At the time the initial dispatch to 49 Marie Avenue came over the radio, Officer Reynolds had been working an accident scene for approximately thirty (30) to forty (40) minutes. He heard the initial dispatch and the subsequent radio chatter as Mr. Thompson continued to make threats and the situation escalated. Ultimately, Officer Reynolds was dispatched to 49 Marie Avenue, returned to NPD headquarters, and drove to the scene with Officer Van Tassel in the BearCat. While on the way Officer Reynolds became aware they were likely headed toward a barricaded scenario and that SWAT would be activated.

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<sup>10</sup> Officer Reynolds' plate carrier covered his BWC.

Upon arriving at 49 Marie Avenue, Officer Reynolds was not briefed or given a specific assignment and ultimately decided to follow Officer Van Tassel to the 4 side. Shortly after taking cover, he saw Mr. Thompson opened the sliding glass door and muttered something, possibly asking to speak to “Joe,”<sup>11</sup> before quickly raising his left hand at approximately a 60 degree angle and firing a shot. Seeing the muzzle flash, Officer Reynolds, fired once, saw that Mr. Thompson was still standing and then, to his recollection, fired three (3) to four (4) more times.

When asked why he fired, Officer Reynolds noted several factors: (1) the severity of the situation; (2) radio reports that Mr. Thompson had made threatening statements toward officers; (3) Mr. Thompson was seen to have firearms; (4) Mr. Thompson had fired a shot in a residential neighborhood; and (5) Mr. Thompson’s firing posed a threat to the officers and the neighborhood at large.

### **3. Officer Cameron Hult**

On February 1, 2024, members of the Office of the Attorney General conducted an interview with Officer Cameron Hult. Officer Hult specifically recalled details that other officers had not. Officer Hult had been a member of NPD for approximately one (1) year prior to this incident. Prior to joining NPD, he served as a patrol officer with the Concord Police Department for approximately a year and a half. That night he was patrolling downtown Nashua in a marked cruiser during his typical 11 p.m. to 7 a.m. shift. He was fully uniformed in department-issued polo shirt and blue pants with an external plate carrier. He was carrying a Sig Sauer P320 9mm handgun with three magazines, each loaded with twenty-one (21) rounds. Officer Hult indicated that he had not reviewed his BWC or any other footage before sitting down for the interview.

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<sup>11</sup> Officer Reynolds could not recall what Mr. Thompson said, only that Mr. Thompson seemed angry and agitated.

Prior to January 20, 2024, he never had any interaction with Mr. Thompson or responded to any calls at 49 Marie Avenue.



*Image 9 -- Photograph showing the uniform Officer Hult was wearing.*

Officer Hult recalled that the initial dispatch was sent out for a domestic situation at 49 Marie Avenue with a male with a firearm making threats. He was the second Nashua officer to reach the scene, parking his cruiser a few houses down from the residence. He encountered two residents who had fled outside, one of which told him “[Mr. Thompson] was still in there,” and escorted them back to his cruiser for their safety and to keep them out of the cold.

Simultaneously, other officers began arriving on scene, and Officers Hult took a position behind the red SUV on the 4 side of the home with Officer Hansen on the perimeter around the home. Officer Hult recalled that he had his pistol and Officer Hansen had a rifle. Officer Hult placed his flashlight on the roof of the red SUV to illuminate the yard because of poor lighting.

A short time later, Officer Hult realized that Mr. Thompson was interacting with officers on the 2 side of the house, as he could hear Officer Riddle shouting commands at Mr. Thompson. He hears Officer Crowley radio that Mr. Thompson, who had a firearm on his right hip and refused to comply with commands, had returned inside. Mr. Thompson then appeared on the

deck in the backyard, providing Officer Hult his first look at Mr. Thompson, whom he described as being approximately 6-feet tall, 200 pounds, bald and wearing jeans and a t-shirt. Officer Hult recalled Mr. Thompson shouting to the officers that “I will shoot you if you step on my property.” Mr. Thompson then opened the porch door, stood at the threshold and repeated the threat. Officer Hult was joined by Officers Reynolds and Van Tassel as they attempted to speak with Mr. Thompson, but Mr. Thompson went back inside and closed the door.

Officer Hult saw Mr. Thompson emerge a second time to allow three dogs out into the yard, returning a short time later to let the dogs back in, and telling the officers that he wanted to speak with his brother “Joe.” When the officers asked for Joe’s last name and phone number, Officer Hult heard Mr. Thompson tell the officers to “Fuck off” and “You guys figure it the fuck out.” Officer Hult heard Mr. Thompson then say, “This is going to end one of two ways: I’m going to shoot you or you’re going to shoot me.” As Officer Van Tassel attempted to facilitate a conversation with Mr. Thompson, Officer Hult saw Mr. Thompson raised his right arm perpendicular to his chest towards the officers’ and fired his pistol at the officers. Officer Hult specifically recalled seeing a muzzle flash and hearing a pistol shot. Along with the other officers, Officer Hult discharged his firearm in response. He recalled firing three (3) or four (4) times.

Throughout his encounter with Mr. Thompson, Officer Hult noted that Mr. Thompson was hostile, noncompliant, and threatening. Mr. Thompson gave no indication that he intended to surrender. Asked why he felt compelled to discharge his firearm, Officer Hult indicated that when he saw Mr. Thompson raise his right arm and shoot directly at the officers, he was in fear

of death or serious bodily injury to himself, his fellow officers, and the neighbors. He noted that he initially ducked because Mr. Thompson had pointed the gun directly at the officers.

#### **4. Officer Wade Hansen**

On January 30, 2024, members of the Office of the Attorney General conducted an interview with Officer Wade Hansen. Officer Hansen had been a police officer for three years prior to the incident, beginning his career in December 2020 with the Milford Police Department. He joined NPD in July 2022, serving as a patrol officer on the third shift. Officer Hansen previously completed NPD's rifle operator's course, permitting him to carry and utilize his rifle on patrol. On the night of the incident, Officer Hansen was dressed in the standard NPD uniform shirt with long sleeves, and he donned an external plate carrier once he arrived on the scene. He carried a Smith & Wesson M&P 15 rifle, loaded with 30 rounds of 5.56mm ammunition, and two additional 30-round magazines. His rifle was equipped with a red dot sight. Officer Hansen indicated that he had not reviewed his BWC or any other footage before sitting down for the interview. Prior to January 20, 2024, he never had any interaction with Mr. Thompson or responded to any calls at 49 Marie Avenue.

Officer Hansen was in the station's report writing area when he heard the tone signaling a priority emergency followed by a dispatch of a domestic situation involving a firearm at 49 Marie Avenue. While en route, he received updates from dispatch indicating an intoxicated male was handling the firearm. Parking his cruiser east of the home on Marie Avenue, he was the first of the four officers to cover the 4 side of the home behind the red SUV.



*Image 10 – Photograph showing the uniform Officer Hansen was wearing.*

Officer Hansen recalled his first encounter with Mr. Thompson was when Mr. Thompson opened the sliding glass door to let out three dogs. At that point, Officer Hansen directed Mr. Thompson to exit the home with his hands up and empty. Mr. Thompson did not comply or respond in any way. A short time later, Mr. Thompson reappeared to let the dogs back in. Before returning inside, Officer Hansen heard Mr. Thompson yell to the officers something to the effect of, “Don’t come on my fucking property. Don’t come on my property or I’ll fucking shoot you.”

Officer Hansen surmised that Mr. Thompson had shifted his attention to the 2 side of the home, as Officer Hansen could hear officers yelling commands from that direction. Officer Hansen could not hear anything Mr. Thompson said in response. Officer Hansen did, however, hear the radio transmission that Mr. Thompson had a gun down by his side.

Mr. Thompson reappeared at the sliding glass door moments later. Officer Hansen initially did not see the gun in Mr. Thompson’s right hand because of the deck railing, but Officer Hansen observed Mr. Thompson open the sliding glass door with his left hand. The officers issued commands to Mr. Thompson, who remained non-compliant. Officer Hansen thought he

was developing a bit of a rapport with Mr. Thompson, though, as Mr. Thompson told the officers that he wanted to speak to his brother “Joe.” When Officer Hansen asked for Joe’s phone number and address, Mr. Thompson said, “That is for you guys to find out.” Officer Hansen responded by saying, “We don’t need to do this. Just come out with your hands up.” Mr. Thompson then stepped forward and said, “This is going to end one of two ways: I’m going to shoot you or you’re going to fucking shoot me,” and raised his right arm perpendicular to his body and fired at Officer Hansen’s location. Officer Hansen saw the muzzle flash and heard the pop. Perceiving what he termed a “lethal threat,” Officer Hansen disengaged his rifle’s safety, and fired several rounds at Mr. Thompson. Officer Hansen indicated that he fired because he feared for his life and the lives of his fellow officers. He stopped firing when he heard Officer Van Tassel call for a ceasefire and because, after Mr. Thompson disappeared from Officer Hansen’s view, he no longer perceived Mr. Thompson as a threat.

#### **D. Interviews with Family and Household Members**

Additional interviews were conducted with the adult members of the household, as well as Mr. Trask, who did not live at 49 Marie Avenue. Much of the information provided by these individuals was not available to Officers Van Tassel, Hult, Hansen and Reynolds prior to the shooting, but it provides important context regarding Mr. Thompson’s mental state in the hours leading up to the shooting. The relevant portions of these interviews are summarized below.

##### **1. Crystal Thompson<sup>12</sup>**

Crystal Thompson, wife of Mr. Thompson, was interviewed on January 21, 2024, a few hours after the shooting. Mrs. Thompson related that during the evening of the January 20, 2024,

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<sup>12</sup> While providing less detail, witnesses Justin Francoeur, Todd Pinkham, and Daniel Melvin all confirmed Mrs. Thompson’s account.

she was playing board games with her two daughters, S.T. and H.P., her cousin Daniel Melvin and two of her friends, Justin Francoeur and Todd Pinkham. Also present in the home was Ms. Thompson's mother, Sandra Widmer. During this time Mr. Thompson was reorganizing the basement after a roommate of theirs had moved out earlier in the day.

Mr. Thompson appeared to Mrs. Thompson to be "in a mood." At a certain point Mr. Thompson retrieved a bottle of liquor from the liquor cabinet and returned to the basement. Mrs. Thompson went to check on him and ask him if he was "good. He said he was fine, but if I didn't know what was wrong with him then he wasn't going to tell me." Mrs. Thompson expressed her concern that the last time he drank liquor the police had to come to the home. Frustrated, Mr. Thompson removed a knife from his pocket and stabbed the wall. Ms. Thompson returned upstairs to keep the peace.

Mr. Thompson followed shortly after and became dismayed when he saw that S.T. had ordered Chinese food and had not thought to ask him if he wanted any. S.T. left the kitchen to attend to her grandmother, Ms. Widmer, who was having a panic attack due to Mr. Thompson's behavior. Mr. Thompson then became angry and pulled his gun from its holster, racking the slide. Mrs. Thompson told him to put the gun away. He initially said no, but he ultimately placed the gun on the counter, taking the magazine out and throwing it on the floor. He then locked himself in the couples' bedroom. He periodically came out of the room to yell at Mrs. Thompson, ultimately telling her that she and everyone else needed to get out of the house.

Mrs. Thompson then called Joseph Valliere, Mr. Thompson's best friend, to ask him to come over and help deescalate the situation. He responded, but Mr. Thompson sent Mr. Valliere out of the room, indicating that either Mr. Valliere needed to shoot him or he would shoot himself. In the interim, as Mrs. Thompson and Mr. Valliere were debating whether to call the

police, S.T. called her mother from her grandfather's vehicle to say that she had called the police and everyone in the house needed to leave.

## **2. Joseph Valliere**

Joseph Valliere was interviewed on January 21, 2024, a few hours after the shooting. At approximately 11 p.m., Mr. Valliere received the call from Mrs. Thompson, who told him that Mr. Thompson "had cocked his gun in front of the kids," so that terrified not only the kids but herself as well. Mr. Valliere immediately went to 49 Marie Avenue to speak to Mr. Thompson, but he found only a locked bedroom door. He climbed in through an open window and found a crying Mr. Thompson lying in the fetal position on the floor with two handguns. Mr. Valliere initially kept his distance, as Mr. Thompson did not want anyone near him. After several minutes, Mr. Valliere was able to sit next to Mr. Thompson, who unloaded one handgun and handed it to Mr. Valliere. Mr. Thompson refused to discuss what was troubling him. He then began hitting the floor with the other handgun, potentially causing it to discharge. Mr. Valliere was not certain that the gun fired, but he could smell discharged gunpowder and his ears were ringing after Mr. Thompson rapped the floor with the handgun.

Mr. Thompson told Mr. Valliere that he loved Mr. Valliere as a brother and "this was it for him. There was no talking him out of it." Mr. Thompson proceeded to push Mr. Valliere out of the room and said that either Mr. Valliere was going to shoot him or he was going to shoot himself. Mr. Valliere recalled, "I told him I wasn't going to shoot him."

## **E. Cause of Death Report**

On January 22, 2024, Chief Medical Examiner Dr. Jennie V. Duval conducted an autopsy on the body of Heath Thompson. Based on the examination, Dr. Duval concluded that Mr. Thompson's cause of death was a gunshot wound to the chest and his manner of death was

homicide. As used by the Office of the Chief Medical Examiner, homicide is defined as the killing of one person by another. Mr. Thompson's blood alcohol concentration was 0.207 g/mL, which is more than twice the legal limit to drive in the State of New Hampshire.

V. **APPLICABLE LAW AND LEGAL STANDARDS**

New Hampshire's laws regarding self-defense, defense of others, and the use of physical force by law enforcement are set forth in RSA Chapter 627.

Pursuant to RSA 627:4, II(a) and RSA 627:5, II(a), a private citizen and a law enforcement officer are justified in using deadly force when they reasonably believe that such force is necessary to defend themselves or a third person from what they reasonably believe to be the imminent use of deadly force. Under RSA 627:9, "deadly force" is defined as "any assault ... which the actor commits with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily injury." RSA 627:9, II.

The phrase "reasonably believes" means that the actor "need not have been confronted with actual deadly peril, as long as he could reasonably believe the danger to be real." *State v. Gorham*, 120 N.H. 162, 163-64 (1980). The term "reasonable" is "determined by an objective standard." *State v. Leaf*, 137 N.H. 97, 99 (1993). Further, all of the circumstances surrounding the incident should be considered in determining whether the actor had a reasonable belief that deadly force was necessary to defend himself or another. When reviewing a deadly force incident, the actor's conduct should be viewed considering "the circumstances as they were presented to him at the time, and not necessarily as they appear upon detached reflection." *N.H. Criminal Jury Instructions*, 3.10. In other words, when analyzing the reasonableness of an actor's use of deadly force, the inquiry must focus on the situation from the standpoint of a reasonable person facing the same situation. That examination cannot be made with the benefit

of hindsight. The amount of deadly force used by the actor to protect himself or another must be reasonable and not excessive. *See State v. Etienne*, 163 N.H. 57, 70 (2011).

The reasonableness standard also applies in a situation where a person who uses deadly force is mistaken about the situation or the necessity of using deadly force. Thus, either a private citizen or a police officer may still be justified in using deadly force if he reasonably believed that he was in imminent danger from the use of deadly force by another, even if, in fact, he was not, so long as the actor's belief was objectionably reasonable.

Federal cases, while largely addressing the civil standards that apply to federal civil rights lawsuits, provide some discussion of the "reasonableness" standard for the use of force by police officers that is useful in analyzing officer-involved use of force cases in this state. In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court stated that "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* at 396. The Supreme Court continued:

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

*Id.* at 396-97; *see also Ryburn v. Huff*, 565 U.S. 469, 477 (2012).

The Eleventh Circuit has noted:

The Supreme Court has emphasized that there is no precise test or 'magical on/off switch' to determine when an officer is justified in using excessive or deadly force. Nor must every situation satisfy certain preconditions before deadly force can be used. Rather, the particular facts of each case must be analyzed to determine whether the force used was justified under the totality of the circumstances.

*Garczynski v. Bradshaw*, 573 F.3d 1158, 1166 (11 Cir. 2009) (internal citations omitted). That is because "the law does not require perfection – it requires objective reasonableness." *Phillips v.*

*Bradshaw*, No. 11-80002-CIV, 2013 WL 1296331, at \*17 (S.D. Fl. Mar. 28, 2013). The law must account for the fact that dangerous situations often unfold quickly, and law enforcement officers sometimes need to make quick decisions under less-than-ideal circumstances. *See Huff*, 565 U.S. at 477 (finding that appeals court panel “did not heed the District Court’s wise admonition that judges should be cautious about second-guessing a police officer’s assessment, made on the scene, of the danger presented by a particular situation.”)

These are the legal standards that help guide the Attorney General’s review of the use of deadly force by a private citizen and a law enforcement officer in New Hampshire.

## **VI. ANALYSIS AND CONCLUSION**

Based on all the facts and circumstances of this case, the Attorney General has concluded that Nashua Police Officers Cameron Hult, Wade Hansen, and Connor Reynolds were legally justified when they used deadly force against Heath Thompson. There is no evidence indicating which officers’ weapon fired the bullet that struck Mr. Thompson.

At the time he was shot, Mr. Thompson was armed with a handgun, which he had just fired in the direction of Officers Van Tassel, Hult, Hansen, and Reynolds, taking cover behind the red SUV, with a fence and another home immediately behind them. Viewed objectively, Officers Hult, Hansen, and Reynolds reasonably and separately believed that Mr. Thompson was a continued threat to themselves, their fellow officers and the neighborhood at large. Based on the location and direction of the shot, Mr. Thompson’s conduct constituted a violent felony offense that placed the officers and others in danger of suffering serious bodily injury from his actions. *See RSA 631:1, I & II* (“A person is guilty of reckless conduct if he recklessly engages in conduct which places or may place another in danger of serious bodily injury ... [and] is a class B felony if the person uses a deadly weapon ...”). Here, the accounts of Officers Van Tassel,

Hult, and Hansen align, and they are independently corroborated by the various BWCs and MVRs.

The officers had been dispatched to a domestic situation involving a firearm. After the household members had all evacuated the home, Mr. Thompson refused to submit to police, who verbally identified themselves repeatedly while wearing NPD uniforms, including at least fourteen (14) announcements through a loudspeaker, as well as approaching the house in marked cruisers. Mr. Thompson clearly knew he was interacting with officers that evening. Mr. Thompson repeatedly exited and entered both sides of the home, ignoring commands to put his hands up and walk toward the street while displaying one of his pistols and threatening to shoot any officer who stepped onto his property. The final time he presented himself to the police, multiple officers heard Mr. Thompson give them an ultimatum: he was going to shoot them, or they were going to shoot him. The police efforts to speak to him to deescalate the situation and to deploy less lethal tactics illustrate their attempts not to force any physical confrontation, but to keep Mr. Thompson isolated inside the home and engage him in a dialogue deescalating the situation. Despite repeated and plain directives, Mr. Thompson neither disarmed nor surrendered.

It was when Mr. Thompson raised his right arm, gun in hand, perpendicular to his torso and fired a shot at Officers Van Tassel, Hult, Hansen, and Reynolds, that they simultaneously fired on him. These circumstances, objectively viewed, created an immediate apparent life-threatening situation with the reasonable belief that Mr. Thompson was actively using deadly force against Officers Van Tassel, Hult, Hansen and Reynolds. , and presenting a deadly threat to both themselves and others in the immediate vicinity; namely, the residents in the home behind their position at the red SUV. The officers who fired articulated independently that they believed that deadly force was then necessary in order to end that threat. Mr. Thompson was struck by a

single bullet, and each officer who fired explained that he fired until he could no longer see Mr. Thompson pointing a gun at them. Under the circumstances, the use of deadly force applied was not excessive.

Under these circumstances, the law does not require any private citizen or law enforcement officer in the officers' position to retreat before using deadly force to defend themselves or another from imminent use of deadly force. Even if the law did require an attempt to retreat under these circumstances before using deadly force, retreat for these officers was not possible without putting their own lives in jeopardy. While positioned behind the red SUV to cover the 4 side, Officers Van Tassel, Hult, Hansen and Reynolds were surrounded to their immediate right and rear by a white vinyl fence with no means of retreat in those directions. To their left, before they could reach the relative safety of the BearCat in the street, was the side yard, which presented an open field of fire if they had attempted to cross it while Mr. Thompson was actively firing. In an instant, when Mr. Thompson fired at them, the four officers were faced with an impossible situation – Mr. Thompson firing upon them – from which they could not advance, retreat, or escape.

Finally, Officer Van Tassel's decision to deploy less lethal force was both justified and further supports the reasonableness of Officers Hult, Hansen, and Reynolds' decisions to fire their weapons. Officer Van Tassel fired a less-than-lethal round at Heath Thompson after Mr. Thompson aimed and fired his gun at the officers. Officer Van Tassel's belief that Mr. Thompson was actively using deadly force against himself and the other officers at his location was reasonably shared with Officers Hult, Hansen, and Reynolds. He reacted with what was available as he did not believe he had sufficient time to transition to his rifle, and his discharged less-lethal round struck Mr. Thompson on his stomach without inflicting serious bodily injury.

Although the less-than-lethal method utilized may constitute “deadly force” under that term’s legal definition, *see* page 31, *supra*, those methods were not designed or employed with the intention to kill Mr. Thompson or cause serious bodily injury. Rather, Officer Van Tassel sought to disarm him and stop him from continuing to fire at the officers, and the immediacy of the situation commanded him to use his less-lethal launcher that was literally at-hand. In addition, there is no evidence, or anything to suggest, that the less-than-lethal firearm was utilized unsafely or recklessly. For all of these reasons, the use of less-than-lethal means against Mr. Thomspen was reasonable under the circumstances.

Accordingly, Officers Hult, Hansen and Reynolds were legally justified in using deadly force against Heath Thompson, and no criminal charges will be filed against them for the use of deadly force as a result of Mr. Thompson’s death.