

**ATTORNEY GENERAL OFFICE'S REPORT REGARDING THE  
JANUARY 12, 2024, OFFICER-INVOLVED SHOOTING  
INCIDENT IN MANCHESTER, 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 Manchester, New Hampshire, on January 12, 2024, that resulted in the death of Jake Chiaradonna (age 35, DOB: 05/30/1988). 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 Chiaradonna's death. The findings and conclusions in this report are based upon information gathered during the investigation, including viewing the scene of the incident as well as viewing photographs of the scene, physical evidence from the shooting incident, video footage of the event, and interviewing witnesses.

During this incident, Manchester Police Sergeant Eric Joyal used deadly force against Chiaradonna by shooting him with a firearm when he was holding what officers believed to be a knife/shank as he turned towards officers and after he had attacked a police dog. As a result of this use of force, Chiaradonna was wounded by Sergeant Joyal's gunshots and died.

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, it is done 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 officers complied with the applicable law. Thus, the Attorney General's review focuses on whether, under New Hampshire law, the use of force was justified because the officer reasonably believed that such force was necessary to defend himself or herself or a third party from what the officer 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 Jake Chiaradonna by Manchester Police Sergeant Eric Joyal on January 12, 2024, when Chiaradonna was holding what officers believed to be a knife/shank as he turned towards officers, was legally justified.

## **II. THE LOCATION**

The incident occurred on Plummer Street in Manchester, near its intersection with Pine Street. Jake Chiaradonna was located inside a vehicle parked on the north side of Plummer Street, facing west. The vehicle was parked on the side of the street next to 11 Pine Street, an apartment building located on the corner of Plummer and Pine Streets. Behind 11 Pine Street, located off Plummer Street, is a small parking lot for the building. There is also a small section of grass between the building and the parking lot. Following a period of time when Chiaradonna had barricaded himself inside the parked vehicle, the shooting ultimately took place on a narrow sidewalk located between a chain-link fence and the north side of 11 Pine Street.



*Image 1. The intersection of Pine and Plummer Streets in Manchester, New Hampshire. 11 Pine Street is the building in the center of the image.*

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

On January 12, 2024, Jake Chiaradonna (“Chiaradonna”) had an active warrant for his arrest related to an armed robbery incident that occurred two days prior on January 10, 2024. The warrant listed charges of attempted armed robbery, criminal restraint, criminal threatening with a deadly weapon, and felon in possession of a deadly weapon.

At approximately 9:20 a.m., Manchester Police Sergeant Ryan Boyton was on duty, operating a marked police cruiser in the area of Plummer and Pine Streets. Around that time, he observed a male in the front yard of 13 Pine Street. Sergeant Boyton was aware of the various violent incidents that had occurred in the preceding several days and that Chiaradonna was a suspect in those incidents. The sergeant exited his cruiser and searched the area on foot for the male. Despite seeing the male running at various points, Sergeant Boyton was never close enough to verbally command the male to stop running

or identify himself as a police officer. Sergeant Boyton eventually called for more officers to respond to the area in an effort to locate the male, believed to be Chiaradonna based on his description.

Officers Burgio and Taylor Morin responded to the area to assist in the search for Chiaradonna. They were on Plummer Street in Manchester when they observed a male who fit the description of Chiaradonna walking in the area of Pine and Plummer Streets. After initially losing sight of this male, the officers eventually located a person they then believed to be, and later confirmed to be, Chiaradonna inside a 2020 Ford Escape bearing New Hampshire registration CHICAGO. The vehicle was registered to Karina Patino, and had been reported stolen in Dover the night before, January 11, 2024.

The officers commanded Chiaradonna to exit the Escape, but he continuously refused and locked himself inside. Additional Manchester officers were dispatched to the scene. The Manchester PD BearCat and MedCat were each sent to the scene to position in front and behind the vehicle in which Chiaradonna was barricaded. On scene, the BearCat was positioned behind the Escape, and the MedCat was positioned in front. Once these vehicles were in place, Lieutenant Greg DiTullio began issuing commands to Chiaradonna through the BearCat's Long Range Acoustic Device ("LRAD"). These commands consisted of, "Jacob Chiaradonna, this is the Manchester Police Department. You are under arrest. Exit the vehicle and follow officers' commands. We do not want anyone to get hurt. If you do not comply, you will be subject to a K9 apprehension or exposure to chemical agents." These commands continued throughout the duration of the incident until approximately 10:38 a.m. when officers observed Chiaradonna appear to start a fire inside the vehicle in which he was barricaded.



*Image 2. The scene, showing the positions of the Ford Escape in which Chiaradonna barricaded himself, the BearCat and MedCat, and the entrance to the alley behind 11 Pine Street.*

At that point, officers made the decision to break the rear windshield and rear passenger side windows of the Escape. Officers then deployed a chemical agent through the broken windows to force Chiaradonna out of the vehicle. Chiaradonna then opened the rear passenger side door and began exiting, briefly stopping just outside the door to reach back inside the vehicle.

At that time, K9 Officer Patrick Colburn deployed K9 Duke as a less lethal attempt to gain Chiaradonna's compliance with officers' commands. As Duke approached, Chiaradonna attempted to kick the K9. Duke was then able to latch onto Chiaradonna's right arm. Around that same time, Officer Adam Beland, who was positioned in the turret of the Bearcat, fired less-lethal 40mm impact munition which struck Chiaradonna's right arm. Duke then released Chiaradonna and returned to Officer Colburn. Officer Beland fired 3 rounds of less-lethal munitions in total. The first went through the back window of the Escape which hit Chiaradonna in the hip area, the second was fired when Chiaradonna was at the

door of the Escape, and the third struck Chiaradonna in the shoulder area while he was leaning out of the door. Officer Beland described Chiaradonna yelling words to the effect of, “just kill me,” and “just fucking shoot me,” as he was at the door of the Escape.

The impact of the less-lethal munitions did not stop Chiaradonna, who then fled from the Escape, heading north through the small portion of grass next to 11 Pine Street and toward the small alley on the north side of the building. Officer Colburn again deployed K9 Duke in an attempt to apprehend Chiaradonna. As Chiaradonna approached the corner of the building, Duke again bit him. Officer Colburn saw Chiaradonna make a stabbing motion toward Duke, who immediately released Chiaradonna and turned back toward Officer Colburn. At that time, Officer Colburn could see that Duke was bleeding, but was unable to determine where the K9 was injured<sup>1</sup>. As Chiaradonna made the stabbing motion toward Duke, an officer could be heard on bodycam footage shouting that Chiaradonna had a knife.

After Chiaradonna’s stabbing motion towards Duke, the K9 released Chiaradonna near the corner of the building and retreated, as Chiaradonna ran west down the alley toward Pine Street. However, officers blocked Chiaradonna’s way of escape on the other end of the alley. More officers followed Chiaradonna down the alley from the Plummer Street direction, and Chiaradonna was then surrounded, with officers at either end of the alley on both sides of him, the building behind him, and a fence across from him.

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<sup>1</sup> Duke was later examined by an emergency veterinarian and found to have a laceration on his left front paw pad, which he recovered from.





*Image 3. The alley and alcove behind 11 Pine Street.*

Chiaradonna then backed into a small alcove of the 11 Pine Street building and was seen holding what appeared to be a knife. Multiple officers can be heard in bodycam footage shouting and commanding Chiaradonna to drop the knife, which he refused to do as he continued shouting at officers and challenging them.

After a few moments of Chiaradonna making challenging motions, taking steps toward and then the feinting between the two groups of officers while screaming at them, Sergeant Eric Joyal stepped forward and placed himself between Chiaradonna and the fence of the alley, with his back to the fence. At approximately 10:39 a.m., Sergeant Joyal fired six shots from his service rifle. The shots hit Chiaradonna who collapsed to the ground. As he was on the ground, Chiaradonna continued to hold onto what was thought to be a knife in his left hand as officer continued to command him to drop it. Chiaradonna was rolled over onto his stomach and placed in handcuffs. The object in his hand was discovered to be a screwdriver.

Officers at the scene provided immediate emergency medical treatment to Chiaradonna after the shooting, and he was transported to the Elliot Hospital emergency department for further treatment. Despite these efforts, Chiaradonna died as a result of his injuries at approximately 3:00 p.m.

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

The New Hampshire Attorney General's Office with the assistance of the New Hampshire State Police Major Crime Unit ("MCU") conducted the use of force investigation regarding Manchester Officer Colburn's use of non-deadly force by deploying K9 Duke, Officer Beland's use of non-deadly force by firing his less-lethal 40mm impact munition, and Sergeant Joyal's discharge of his service rifle at Chiaradonna. Investigators examined the scene, collected and reviewed physical and video evidence, and reviewed reports and records. Additionally, numerous individuals were interviewed, including Officers Colburn and Beland, and Sergeant Joyal, and other individuals with relevant information regarding Chiaradonna in the days leading up to this incident. The information and evidence gathered during the investigation is summarized below.

##### **A. Jake Chiaradonna**

As described above, Chiaradonna was wanted by law enforcement related to several violent incidents. Charges against him included attempted armed robbery, criminal restraint, criminal threatening with a deadly weapon, and felon in possession of a deadly weapon. At the time Chiaradonna was located inside the Ford Escape on Plummer Street, Manchester Police Officers were aware of the felony warrants for his arrest and that he was a danger to the community.



**B. Video Evidence – Body Worn Cameras / Manchester Police Department Drone**

Investigators obtained and reviewed the video footage and still images from numerous body worn cameras of the officers who responded to the scene. Significantly, Sergeant Joyal's body worn camera captured most of the pertinent events surrounding the shooting. Below are images from Sergeant Joyal's body worn camera, as well as the Manchester Police Department drone camera which was utilized throughout the event.



*Image 4. Via Sgt. Joyal's body worn camera: K9 Duke deployed against Chiaradonna at the door of the Escape.*





*Image 5. Via Manchester PD drone: K9 Duke deployed against Chiaradonna at the door of the Escape, and Officer Beland firing a 40mm less-lethal munition.*



*Image 6. Via Sgt. Joyal's body worn camera: K9 Duke deployed against Chiaradonna at the corner to the alley behind 11 Pine Street.*





*Image 7. Via Manchester PD drone: K9 Duke deployed against Chiaradonna at the corner to the alley behind 11 Pine Street.*



*Image 8. Via Sgt. Joyal's body worn camera: Chiaradonna in alcove behind building, screaming and gesturing at officers, failing commands to drop what appeared to be knife.*





*Image 9. Via Sgt. Joyal's body worn camera: Chiaradonna moving and gesturing toward officers at end of alley, still holding what appeared to be a knife.*



*Image 10. Via Sgt. Joyal's body worn camera: Chiaradonna turning toward Sgt. Joyal as he positioned himself between Chiaradonna and alley fence, still holding what appeared to be a knife.*





*Image 11. Via Sgt. Joyal's body worn camera: Chiaradonna on ground in alcove after Sgt. Joyal fired on him.*



*Image 12. Via Manchester PD drone: Chiaradonna on ground in alcove after Sgt. Joyal fired, Sgt. Joyal and Chiaradonna circled in red.*



*Image 13. Via Sgt. Joyal's body worn camera: Chiaradonna on ground in alcove being handcuffed and rolled over to receive medical attention. Screwdriver, used to injure K9 Duke and previously thought to be a knife, circled in red.*

## **C. Physical Evidence**

After Chiaradonna was transported to the hospital and cleared the scene, investigators conducted a search of the area surrounding 11 Pine Street, including the Ford Escape.

### **1. Scene**

The New Hampshire State Police Major Crimes Unit, under the direction of the Office of the Attorney General, searched, processed, and documented the crime scene which was limited to the vehicle where Chiaradonna had barricaded himself and the property immediately surrounding 11 Pine Street.

The location of evidentiary items was documented by photograph and diagram, including spent shell casings from Sergeant Joyal's rifle, and items belonging to Chiaradonna from inside the Ford



Escape. The screwdriver Chiaradonna was holding throughout the relevant portions of the incident was removed from Chiaradonna's reach immediately by Manchester officers and then left at the scene for State Police investigators to collect.

The location of the spent shell casings was consistent with witness statements and the video evidence which captured the incident and Sergeant Joyal firing his rifle.

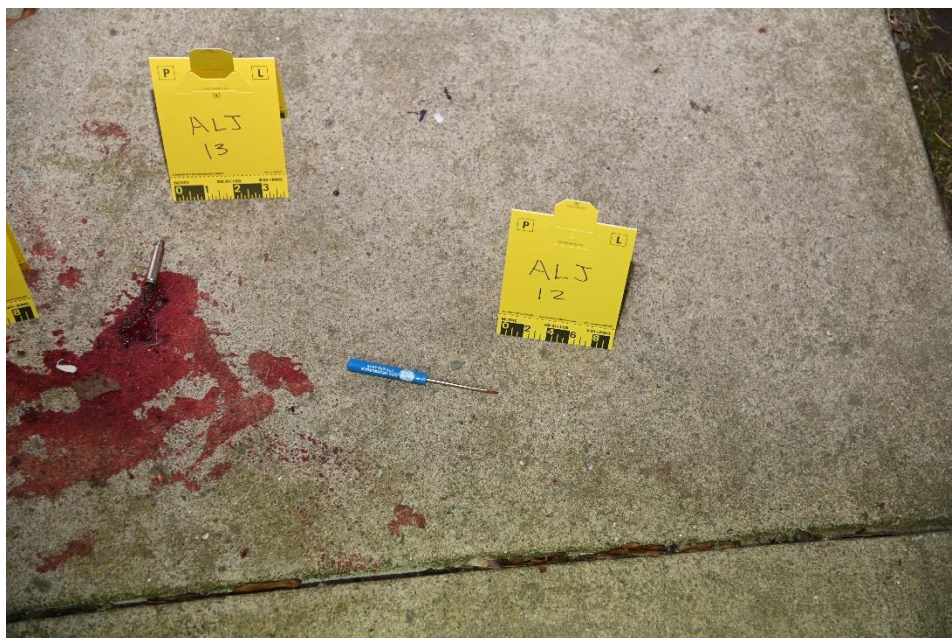


*Images 14 and 15. Placards marking locations of evidence, including shell casings, screwdriver, Chiaradonna's shoes, hat and cell phone, and Manchester officer's medical kit.*





The screwdriver Chiaradonna armed himself with and used to stab at K9 Duke was also located near the location of the shooting behind 11 Pine Street, consistent with witness statements and video evidence.



*Images 16 and 17. Chiaradonna's screwdriver.*



Evidence located within the Ford Escape confirmed officers' observations that Chiaradonna was attempting to light a fire within the vehicle.



*Image 18. Partially burned book pages located inside the Ford Escape.*

Also, immediately following the shooting, officers entered 11 Pine Street to ensure no projectiles penetrated the wall or interior of the building. No projectiles or defects were found inside. However a single bullet defect was located in the siding of the building.





*Images 19 and 20. Bullet defect in corner of alcove.*



## **2. Sergeant Joyal's Equipment and Uniform**

Following the shooting, Sergeant Joyal's equipment was collected and photographed by investigators from the MCU. Sergeant Joyal was wearing plain clothes, an exterior duty gear carrier, and his duty belt. The sergeant's carrier and duty belt held additional ammunition magazines, his Sig Sauer P320 9 mm pistol, and other law enforcement gear. The appearance and condition of Sergeant Joyal's equipment and dress were consistent with his actions captured by his body worn camera, which

was housed on the front of his carrier throughout the incident. Sergeant Joyal also turned over the rifle he used in the shooting. It was a Geissele Automatics 556 Rifle, model SD556, loaded with FC 223 rounds. The rifle was loaded with a magazine containing 21 remaining rounds, and 1 round in the chamber. It was also equipped with a suppressor, laser, light and optical sight.

### **3. Officer Beland's Equipment and Uniform**

Officer Beland's equipment and uniform were also documented and collected. The officer's exterior carrier contained his body camera, handcuffs, flashlight, and taser. His duty belt contained additional law enforcement equipment, including his duty pistol, a Sig Sauer P320 9mm pistol containing a full 21 round capacity magazine. His belt also contained two additional 21 round capacity magazines. As Officer Beland did not fire his pistol during the incident, all rounds were accounted for in his duty pistol and additional magazines.

## **D. Witness Interviews**

Investigators interviewed a number of witnesses who were present during the incident. The key interviews are summarized below.

### **1. Sergeant Eric Joyal**

On January 30, 2024, Sergeant Eric Joyal was interviewed by members of the New Hampshire Attorney General's Office and MCU. Sergeant Joyal described his law enforcement experience, becoming a police officer in 2010, his attendance at the 154<sup>th</sup> New Hampshire Full Time Police Academy, and his promotion to sergeant in 2021. He is currently assigned with the Special Enforcement Division at Manchester Police Department and supervises detectives in the Special Investigations Unit. Sergeant Joyal has received additional training as a field training officer, Crisis Intervention Team, narcotic investigations, SWAT and Leadership school. He has been a member of the Manchester Police SWAT for 9 years.

Sergeant Joyal described his SWAT rifle as a 5.56mm Geissele AR-15 style rifle that fires .223 caliber ammunition. He carries 28 rounds in each magazine. Additionally, he is trained in the use of a body worn camera, and did not view the footage of this incident prior to being interviewed.

Throughout his interview, Sergeant Joyal described the events consistent with the recitation above. He explained that at the time he responded to the scene, he was aware Chiaradonna had been involved in multiple vehicle thefts, was suspected in a masked bank robbery in Newington, NH while armed with a knife, was suspected in an attempted armed robbery with a knife in Manchester as well as the burglary of a Manchester coffee shop, was wanted by United States Marshals related to the bank robbery and that he had been involved in an incident the night before involving shots fired.

While recounting the portion of the incident where Chiaradonna was partially out of the rear passenger door, Sergeant Joyal recalled hearing him yell, “shoot me!” and throwing an object back toward officers, consistent with footage of the incident. He further recalled Chiaradonna becoming even more agitated after Officer Beland fired a 40mm less-lethal round at him.

As Chiaradonna ran toward the corner of 11 Pine Street and K9 Duke attempted to apprehend him, Sergeant Joyal saw Chiaradonna holding a “shiny silver object” in his right hand that the sergeant believed to be a knife. It appeared to Sergeant Joyal that Chiaradonna stabbed at Duke’s head and that Duke then disengaged from Chiaradonna and ran back to Officer Colburn, which was unusual behavior for the K9. Duke’s unusual behavior caused Sergeant Joyal to believe Chiaradonna had in fact injured Duke. After seeing this, Sergeant Joyal yelled, “knife!” out to the other officers.

Sergeant Joyal continued commanding Chiaradonna to drop the knife and follow commands to obey law enforcement, which Chiaradonna ignored and ran down the alley. Once Chiaradonna was stopped midway down the alley, Sergeant Joyal observed the suspected knife still in Chiaradonna’s hand. Chiaradonna was yelling, hopping on his feet toward officers, and Sergeant Joyal described him as

“amped up like he was going to fight or stab [the officers].” It appeared to him that Chiaradonna was getting ready to charge at the officers while refusing to drop the knife, despite officers’ continued commands.

Concerned about potential crossfire between officers if they discharged their weapons, Sergeant Joyal positioned himself with his back to the fence to face Chiaradonna and the exterior wall of 11 Pine Street. At that time, the sergeant could see the object in Chiaradonna’s hand, which he described as a “shiny 3-to-4-inch spike or shank.” Sergeant Joyal was within arm’s reach of Chiaradonna at that point and believed he could have been stabbed if Chiaradonna lunged at him.

Sergeant Joyal explained that, at that moment, officers had already attempted four less-lethal options during the incident: two 40mm less-lethal rounds and two K9 deployments. At no point did Chiaradonna comply or indicate he would surrender. Further, he explained that before he fired, he knew of Chiaradonna’s violent history and had observed his erratic and aggressive demeanor throughout the incident.

Chiaradonna then turned away from the other officers and toward Sergeant Joyal in what Sergeant Joyal described as an aggressive posture. Sergeant Joyal believed Chiaradonna was going to stab him. The sergeant then aimed his rifle down toward Chiaradonna’s stomach and hip to avoid rounds entering the apartment behind him. Sergeant Joyal stated in his interview that he believed, “If I didn’t shoot, I thought he was going to stab me.” Sergeant Joyal believed that he fired what he believed was 5 or 6 rounds at Chiaradonna. After Chiaradonna fell, Sergeant Joyal maintained lethal cover while other officers took Chiaradonna into custody and rendered aid to him.

Sergeant Joyal was then transported by another officer back to Manchester PD to be processed by state police investigators.

## **2. Officer Adam Beland**

Officer Adam Beland was interviewed by investigators on January 24, 2024. His account of the incident with Chiaradonna was consistent with the evidence reviewed by investigators as described above. Regarding why he chose to fire the 40mm less-lethal rounds at Chiaradonna, Officer Beland stated that he was aware Chiaradonna was a barricaded individual in a stolen car and that Officer Beland was tasked with driving the armored BearCat to the scene, but had no previous knowledge of Chiaradonna himself. Once on scene, Officer Beland remained in the turret of the BearCat where he could observe Chiaradonna inside the Ford Escape.

At times, Officer Beland could see Chiaradonna rummaging through items in the vehicle, though he was unsure what Chiaradonna was looking through or looking for until Chiaradonna started blocking out the windows of the vehicle with various items. He also observed the small fire that Chiaradonna had attempted to set inside the vehicle.

Throughout the incident, Officer Beland knew Chiaradonna was being non-compliant with all law enforcement commands he could hear. He also became aware of the various warrants Chiaradonna was wanted for, and observed Chiaradonna screaming at law enforcement when he got out of the rear passenger door, stating words to the effect of, “just kill me,” and “just fucking shoot me”. With all that in mind, Officer Beland decided to deploy his 40mm less-lethal rounds to get Chiaradonna to comply with officer commands.

Officer Beland announced his use of the 40mm less-lethal by shouting, “less lethal, less lethal” to the other officers. He then fired the first round which struck Chiaradonna on his back hip. Officer Beland was unsure whether the second round he fired hit Chiaradonna, but saw the third round hit him on the upper right shoulder blade while he was leaning out of the door yelling at officers at approximately the same time K9 Duke engaged with him. Officer Beland did not see these rounds, or



Duke's engagement, cause Chiaradonna to behave any differently or begin complying with the officers' commands. After the third round, Officer Beland saw Chiaradonna run toward the alley behind 11 Pine Street.

Officer Beland then climbed down from the turret and cleared the Ford Escape to be sure no one else was inside, but he was not present in the alley at the time of the shooting, and had no other involvement with Chiaradonna.

### **3. Officer Patrick Colburn**

Officer Patrick Colburn was also interviewed on January 24, 2024. His account of events was consistent with the evidence reviewed by investigators as described above. Regarding Officer Colburn's decision to deploy K9 Duke, he stated he was aware of Chiaradonna's violent criminal activities in the days leading up to the incident, specifically that he had held a person at knifepoint and had been armed with a knife in multiple robberies. Officer Colburn heard over the radio during the incident that Chiaradonna had lit a fire inside the vehicle.

Officer Colburn recalled that at some point, Chiaradonna leaned out of the vehicle, threw something at the officers, and then reached back inside the vehicle. With everything he knew and had witnessed while Chiaradonna was barricaded in the vehicle, Officer Colburn decided to deploy K9 Duke in an attempt to remove Chiaradonna away from the vehicle and apprehend him. He saw K9 Duke bite Chiaradonna twice, the first at the vehicle and the second at the corner of the alley as Chiaradonna ran. Officer Colburn did not see that these deployments were successful, but rather, he saw Chiaradonna make stabbing motions toward K9 Duke during the second bite. Officer Colburn also saw Chiaradonna kicking at K9 Duke during both deployments. Taking K9 Duke to the emergency veterinarian, he knew that Duke was cut on his left front paw and required immediate treatment.

Officer Colburn did not announce K9 Duke's deployment at the moment he was deployed, as he had heard the multiple announcements over the LRAD already warning Chiaradonna that officers may release the K9. Officer Colburn had no other involvement in this incident.

## **E. Autopsy**

### **1. Jake Chiaradonna**

Deputy Chief Medical Examiner Dr. Mithcell L. Weinberg conducted an autopsy on the body of Jake Chiaradonna on January 14, 2024. The autopsy revealed that Sergeant Joyal's six gunshots resulted in seven gunshot wounds to Chiaradonna's hand, forearm, left arm, shoulder, right hip, and chest. The gunshots resulted in the most significant injuries to his right lung, liver, and right internal iliac artery. Toxicology testing was conducted, showing Chiaradonna had used methamphetamine, ketamine and various other medications prior to his death,.

Based on the examination, Dr. Weinberg concluded that Jake Chiaradonna's cause of death was multiple gunshot wounds, and that 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.

## **IV. 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, II, "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." "Purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force." 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, or another person or persons, 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 objectively 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) (same).

The Eleventh Federal Circuit has noted that:

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 (11th Cir. 2009) (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.

## **V. ANALYSIS AND CONCLUSION**

Based on all the facts and circumstances of this case, the Attorney General has concluded that Officers Adam Beland and Patrick Colburn were legally justified when they used nondeadly force against Jake Chiaradonna, and Sergeant Eric Joyal was legally justified when he used deadly force against Jake Chiaradonna.

At the time both the 40mm less-lethal rounds were fired by Officer Beland and K9 Duke was deployed by Officer Colburn, both officers were aware of Chiaradonna’s violent criminal activity in the

days preceding this incident, had observed his increasingly erratic and noncompliant behavior throughout this incident, and observed Chiaradonna begin to exit the vehicle in which he had barricaded himself for an extended period of time. In light of Chiaradonna's known history, erratic behavior, and the danger he posed to the public should he have run and escaped from police, both officers were justified in using nondeadly force in an attempt to gain Chiaradonna's compliance and take him into custody on the multiple warrants for which he was wanted. Germane to the analysis here is that although the less-than-lethal methods utilized constitute "deadly force" under that term's legal definition, those methods were not designed or employed with the intention to kill Mr. Chiaradonna. Rather, the police sought to disarm him, and to incapacitate him so that he could safely be placed in custody. Furthermore, there is no evidence, or anything to suggest, that the less-than-lethal firearms were utilized unsafely or recklessly. For all of these reasons, the use of less-than-lethal means against Chiaradonna was reasonable under the circumstances.

At the time he fired his rifle at Chiaradonna, Sergeant Joyal was likewise aware of Chiaradonna's violent history, his erratic behavior throughout this incident, and the fact that he had already attempted to run from police when he exited the vehicle and ran to the alley behind 11 Pine Street. Sergeant Joyal also had observed Chiaradonna stab at and indeed injure K9 Duke with what appeared to be a knife, but was later found to be a screwdriver. Once Chiaradonna was cornered in the alcove behind 11 Pine Street, Sergeant Joyal saw Chiaradonna continued to refuse commands to surrender. Instead, Chiaradonna took a threatening stance and advanced toward other officers while still armed with the screwdriver. In light of his knowledge of Chiaradonna's violent history, the erratic behavior he observed throughout this incident, Chiaradonna's use of the screwdriver against K9 Duke, and Chiaradonna's threatening behavior toward officers while in the alley and still armed with the screwdriver, it was objectively reasonable for Sergeant Joyal to conclude that Chiaradonna posed a

deadly threat to others and was about to stab an officer with the screwdriver, justifying the use of deadly force against Chiaradonna to end that threat.

Sergeant Joyal then positioned himself to limit the possibility of others being injured by his gunshots, and Chiaradonna then squared off with him. Sergeant Joyal fired six rounds at Chiaradonna who immediately fell to the ground, upon which Sergeant Joyal stopped firing. After falling to the ground, Chiaradonna continued to hold onto and arm himself with what Sergeant Joyal believed to be a knife, but what was later identified as the screwdriver. Officers quickly disarmed him, placed him in handcuffs, and called for medical aid.

Accordingly, based on a review of all the evidence and based on all the facts and circumstances known to Officers Adam Beland and Patrick Colburn at that time, it was objectively reasonable for the officers to conclude that Chiaradonna constituted an imminent threat of force on January 12, 2024, when he was struck by the 40mm less-lethal rounds and bit by K9 Duke. Accordingly, Officers Beland and Colburn were legally justified in using force against Chiaradonna, and no criminal charges will be filed for the use of nondeadly force against Chiaradonna.

Additionally, based on a review of all the evidence and based on all the facts and circumstances known to Sergeant Eric Joyal at that time, it was objectively reasonable for Sergeant Joyal to conclude that Chiaradonna constituted an imminent threat of deadly force on January 12, 2024, when he was shot. Accordingly, Sergeant Joyal was legally justified in using deadly force against Chiaradonna, and no criminal charges will be filed for the use of deadly force against Chiaradonna.