

**ATTORNEY GENERAL’S REPORT REGARDING THE  
NOVEMBER 7, 2024 OFFICER-INVOLVED SHOOTING  
IN PLYMOUTH, NEW HAMPSHIRE**

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**I. INTRODUCTION**

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a police officer use of deadly force incident that occurred at a residence that also had served as a business, the Federal House Inn, in Plymouth, New Hampshire on November 7, 2024. During that incident, Kevin Steinfeldt (age 58) entered an open doorway while holding a gun that he fired at his head resulting in a self-inflicted gunshot wound, and six New Hampshire State Troopers — Sergeant Michael Cedrone, Sergeant Stefan Czyzowski, Sergeant Nicholas Levesque, Trooper Daniel Roger, Trooper First Class Ryan St. Cyr, and Sergeant Noah Sanctuary — fired multiple shots at him. The medical examiner determined that Mr. Steinfeldt’s death was caused by the self-inflicted gunshot wound to his head. The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding that use of deadly force against Mr. Steinfeldt.<sup>1</sup> The findings and conclusions in this report are based upon information gathered during the investigation, including review of photographs of the scene of the incident, recorded witness interviews and written witness statements, and numerous official reports generated during the course of the investigation.

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<sup>1</sup> From available forensic evidence, it is unknown which of the six troopers who fired on Mr. Steinfeldt actually struck him. That being said, under the law, the troopers used deadly force against Mr. Steinfeldt, and thus the six troopers who fired shots are the subject of this report:

“Deadly force” means 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.

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. The Attorney General has the responsibility to ensure that whenever law enforcement officers use 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 an officer-involved use of deadly force incident consists of a criminal investigation, which is limited to determining whether involved officers complied with the applicable law.

Based on the investigation of this deadly force incident, Attorney General John M. Formella finds that the use of deadly force against Kevin Steinfeldt by Sergeant Michael Cedrone, Sergeant Stefan Czyzowski, Sergeant Nicholas Levesque, Trooper Daniel Roger, Trooper First Class Ryan St. Cyr, and Sergeant Noah Sanctuary on November 7, 2024, was legally justified.

## **II. SUMMARY OF THE FACTS**

### **A. Kevin Steinfeldt's Attack on Gabriel Nizetic and Darien Harrison**

Kevin Steinfeldt resided at 27 Route 25 in Plymouth where he operated the Federal House Inn. Multiple businesses and a school are in the immediate vicinity of the 27 Route 25 property.

On January 4, 2021, the court ordered Mr. Steinfeldt to refinance the property at 27 Route 25 as part of the property division with his former wife in a divorce proceeding. Mr. Steinfeldt had been given until April 1, 2024, to refinance the property, otherwise the property would be sold. Having failed to do that by September 27, 2024, Attorney Gabriel Nizetic had been court-appointed as a commissioner to sell the property.

After 2:00 P.M. on November 6, 2024, Attorney Nizetic and his assistant, Darien Harrison, visited 27 Route 25 to follow up with Mr. Steinfeldt regarding his failure to respond to their correspondence regarding the court order to refinance the property. They rang the doorbell and initially received no response. However, as they were about to leave, Mr. Steinfeldt exited the Federal House Inn and began conversing with Attorney Nizetic in front of the building. In the course of their conversation, Mr. Steinfeldt denied receiving any correspondence from Attorney Nizetic or an order from the court. Attorney Nizetic showed Mr. Steinfeldt a copy of the order from the court. In response to being advised that the court may issue a writ of ejection if Mr. Steinfeldt was not cooperative with the court order, Mr. Steinfeldt became upset and said words to the effect of “it would be a very bad day for everyone if that were to happen.”

Attorney Nizetic offered copies of the court documents to Mr. Steinfeldt to photograph with his phone. Mr. Steinfeldt said his phone was inside and invited Attorney Nizetic and Mr. Harrison into the building. Once they entered the building, Mr. Steinfeldt locked the door to the exterior of the building and left the entry room. When Mr. Steinfeldt re-entered the room, he did so from behind Mr. Harrison and pressed a handgun against the side of Mr. Harrison’s head. When he felt the barrel against his head, Mr. Harrison then turned his head as he moved his hand to the side of his head, heard a loud bang, and ducked down. Attorney Nizetic and Mr. Harrison began struggling with Mr. Steinfeldt with Mr. Harrison able to wrestle the handgun away from Mr. Steinfeldt. Mr. Steinfeldt then retrieved a meat cleaver from the kitchen area and brandished it towards Attorney Nizetic and Mr. Harrison. In response, Mr. Harrison pointed the handgun at Mr. Steinfeldt and told him to stay back. Attorney Nizetic was then able to unlock the door, and he and Mr. Harrison were able to flee to a nearby business and notify the police.

Police received the 911 call from Mr. Darien Harrison at approximately 2:40 P.M. Over the course of the call, Mr. Harrison reported in substance that the owner of the inn fired a shot inside at them with a handgun, and how he and Attorney Nizetic struggled to disarm Mr. Steinfeldt. Mr. Harrison also expressed concern that the owner may have another weapon, and that he and Attorney Nizetic were now in a nearby building while Mr. Steinfeldt remained inside the inn.

Detective Thomas and Sergeant Keeler with the Plymouth Police Department were the first law enforcement officers to arrive on scene at approximately 2:46 P.M. They arrived while Mr. Harrison was still on the phone with the 911 operator, and upon meeting with Mr. Harrison and Attorney Nizetic in front of a nearby building, saw Attorney Nizetic bleeding profusely from his head as he handed officers Mr. Steinfeldt's handgun.

Attorney Nizetic described Mr. Steinfeldt as "nuts" and said Mr. Steinfeldt had tried to pull Attorney Nizetic's eye out before Nizetic and Harrison overtook Mr. Steinfeldt in the course of disarming him. Officers then assumed covered positions near the exterior of the Federal House Inn and radioed requests for both additional coverage and that nearby automobile traffic be stopped.

**B. Kevin Steinfeldt's Armed Standoff with Police**

Within minutes of taking up covered positions, the sound of an apparent gunshot or gunshots came from inside the Federal House Inn. This sound was captured on the body worn camera recordings of the responding officers at approximately 2:52 P.M. Responding officers then requested dispatch contact the New Hampshire State Police SWAT team for assistance. During this time, as Plymouth police continued to maintain a perimeter around the Federal House Inn, a nearby school located behind Mr. Steinfeldt's property was also placed on

lockdown due to the ongoing safety concerns and arrangements were made to evacuate the children, staff, and parents from the area.

Deputy Chief Buffington with the Plymouth Police Department was able to contact Mr. Steinfeldt by phone. Deputy Chief Buffington identified himself as a police officer and advised him that police had established a perimeter outside the residence. Deputy Chief Buffington requested Mr. Steinfeldt exit the residence with his hands up and pointed out that a nearby school was locked down due to this situation. Mr. Steinfeldt replied that nobody was going to come into his house and assault him without elaborating on further details, refused to disclose whether he had another firearm in his possession, and refused to exit the residence. Mr. Steinfeldt hung up the phone and did not answer further attempts to contact him.

Once the scene was contained, SWAT personnel relieved patrol personnel occupying the perimeter, and the BearCat armored vehicle equipped with a loudspeaker was positioned in front of the Federal House Inn. Crisis negotiators attempted to contact Mr. Steinfeldt by telephone and through the BearCat loudspeaker with no response for several hours. The negotiator repeatedly told Mr. Steinfeldt that he was under arrest and repeatedly directed him to leave the building unarmed and with his hands visible. The armed standoff between Mr. Steinfeldt and the police spanned the course of about ten hours. During that period, police officers obtained a search warrant for the residence and an arrest warrant for Mr. Steinfeldt for Reckless Conduct, Criminal Threatening, and Simple Assault. After warrants were obtained, SWAT members utilized a ram mounted to the BearCat to breach multiple doors on the front of the residence and deployed tear gas canisters through windows into the residence to try and compel Mr. Steinfeldt to come out and peacefully surrender. The BearCat then parked in front of the Federal House Inn. After the

deployment of tear gas, SWAT team members reported an unexpected strong smell of gasoline coming from the front and side the building.

After officers smelled gasoline, Mr. Steinfeldt began communicating with a member of the negotiation team. He stated he was in the basement, had a rifle pointed at his chin, and acknowledged that he attempted to overdose on painkillers. Mr. Steinfeldt also noted several times that he did not want to go to jail. Mr. Steinfeldt eventually communicated that he was going to get dressed and surrender. Mr. Steinfeldt was heard over the phone moving from the basement up the stairs to the first floor. Once on the first floor, Mr. Steinfeldt began coughing from the effects of the tear gas and mentioned he wanted water. A negotiator noted that Mr. Steinfeldt's disposition changed as he seemed groggier and more incoherent as the conversation continued. While negotiators continued to speak with Mr. Steinfeldt, he was repeatedly asked to put the rifle down and come out of the front door with nothing in his hands. Troopers Sergeant Michael Cedrone, Sergeant Stefan Czyzowski, Sergeant Nicholas Levesque, Trooper Daniel Roger, Trooper First Class Ryan St. Cyr, and Sergeant Noah Sanctuary were among the State Police SWAT team members on scene outside the home. At the time of the incident, they were all armed with semiautomatic rifles.

At the time that Mr. Steinfeldt chose to appear in the doorway, Sergeant Cedrone was positioned on the driver side of the BearCat's fender facing the front side of the building along with Sergeant Czyzowski to his immediate left and Troopers St. Cyr and Roger to the left of Sergeant Czyzowski. Sergeant Levesque was located at the guardrail across the street from the Inn and to the left of the BearCat, and Sergeant Sanctuary was located across the street from the Inn near the foundation of a building to the right of the BearCat.



*Image 1 - This is a FARO laser scan of the relative position of the BearCat in relation to the Federal House Inn. The position of Mr. Steinfeldt at the time of the shooting is denoted by the light blue square, and the positions of Troopers Sergeant Michael Cedrone, Sergeant Stefan Czyzowski, Sergeant Nicholas Levesque, Trooper Daniel Roger, Trooper First Class Ryan St. Cyr, and Sergeant Noah Sanctuary are denoted by the dark blue squares. This scan was taken after the fatal shooting occurred. Please note the white spaces in the image simply reflect an area not captured in the laser scan.*

When Mr. Steinfeldt entered the doorway, Sergeant Livingstone, who was inside the BearCat, yelled, “He’s coming out! He’s got a rifle!” Mr. Steinfeldt’s actions were captured by Trooper Kevin McGregor’s body worn camera from his position in the front seat of the BearCat. The video captured Mr. Steinfeldt bending over to pick up a pair of shoes while also holding a rifle pointed under his own chin. Trooper Stone saw this and also yelled, “He’s got the rifle!” It was during this time that Mr. Steinfeldt then discharged his rifle, shooting himself in the head resulting in the sound of an unsuppressed gunshot.



*Image 2 - A picture taken from Trooper McGregor's body worn camera showing Mr. Steinfeldt appearing in the doorway holding a rifle pointed at his own chin. The rifle is circled in red.*

Nearly contemporaneously with Mr. Steinfeldt's gunshot and immediately thereafter, the troopers facing the open doorway discharged their rifles. When SWAT members reached Mr. Steinfeldt's position, they determined that he was deceased. A rifle was found next to Mr. Steinfeldt's body.

Following the incident, the SWAT personnel involved in the shooting reported to the Plymouth Police Department for follow up with the State Police Major Crimes Unit. Remaining SWAT personnel conducted a walkthrough of the residence. During the walkthrough, they observed two rifle casings in the basement and an open empty prescription bottle for the opiate hydrocodone on the bed in the master bedroom. Gas cans were also observed in the basement and first floor of the residence. Consistent with the earlier smell of gasoline, there were indications gas had been poured in areas of the basement and first floor.

On November 7, 2024, Dr. Abigail Alexander with the Office of the Chief Medical Examiner conducted an examination of Mr. Steinfeldt's body. Dr. Alexander noted the smell of gasoline on Mr. Steinfeldt's clothing, and a close proximity/possible contact entrance wound



underneath the decedent's chin with upward trajectory and exit wound on the posterior skull. Dr. Alexander determined the cause of death to be a self-inflicted gunshot wound to the head. Dr. Alexander concluded this was a close proximity/possible contact wound. Mr. Steinfeldt also sustained 13 perimortem gunshot wounds and three graze wounds from the officers' gunshots. Dr. Alexander noted that though it is highly likely Mr. Steinfeldt would have died from these injuries if not for the self-inflicted gunshot wound of the head, the degree of hemorrhaging in the tissues affected was insufficient to have been the cause of his death. Toxicology testing of Mr. Steinfeldt's blood showed the presence of opiates (hydrocodone and dihydrocodeine/hydrocodol) in his bloodstream. Given that his cause of death was the self-inflicted gunshot wound to the head, Kevin Steinfeldt's manner of death was determined to be a suicide.

### **III. THE INVESTIGATION**

#### **A. Crisis Negotiator - Trooper Samuel Provenza's Communication with Mr. Steinfeldt**

Trooper Provenza responded to Plymouth as a member of the New Hampshire State Police Crisis Negotiation Unit. Trooper Provenza made telephone calls and sent text messages to Mr. Steinfeldt to engage him in conversation and to deescalate the situation. After nearly 5 hours of repeated attempts, Mr. Steinfeldt finally responded to Trooper Provenza's calls at 10:02 P.M.

Mr. Steinfeldt told Trooper Provenza he was in the basement, had a rifle pointed at his chin, and he felt like he was being attacked. Trooper Provenza repeatedly asked him to put the rifle down, explained that he was not being attacked, and told him that he could provide him with a plan to exit the residence safely. In response, Mr. Steinfeldt seemed calmer and told Trooper Provenza he would comply with his requests. Mr. Steinfeldt agreed to move from the basement

to the first floor. He was explicitly told several times that he could not exit the residence with a firearm.

When Mr. Steinfeldt was on the first floor, Trooper Provenza could hear Mr. Steinfeldt begin to cough and at one point heard what sounded like vomiting. Mr. Steinfeldt said that he needed water before he could come out. Mr. Steinfeldt also disclosed that he attempted to overdose on painkillers. Mr. Steinfeldt seemed much groggier and more incoherent toward the end of the conversation; having mood swings from being calm to reverting to asking why he was being attacked. Mr. Steinfeldt said several times that “those men” (referencing Attorney Nizetic and Mr. Harrison) should not have come into his home earlier. Trooper Provenza repeatedly explained that no one was attacking him, and they were trying to resolve the situation peacefully. Mr. Steinfeldt said that he did not want to go to jail and discussed getting him help at a medical facility. When Trooper Provenza volunteered to meet him outside and go to the hospital with him, Mr. Steinfeldt said he would come out.

Trooper Provenza told Mr. Steinfeldt numerous times that he would have to follow instructions to exit the residence safely. Mr. Steinfeldt was told to walk outside with nothing in his hands, and not to come outside with a rifle. Mr. Steinfeldt responded that he needed to get his slippers and orthotics so he could come outside, and that he still had the rifle pointed at his chin. Trooper Provenza repeated his instructions about not coming outside with a firearm, but to put the gun down and come outside with nothing in his hands. Mr. Steinfeldt made it sound as though they had made progress, and Mr. Steinfeldt was going to exit the residence. A short time later, Trooper Provenza heard a muffled sound on the phone, and Mr. Steinfeldt stopped responding. Trooper Provenza overheard radio traffic that shots had been fired and later learned that Mr. Steinfeldt was deceased.

## **B. Witness Accounts Describing the Shooting**

### **1. Troopers in the BearCat**

Trooper McGregor was interviewed on November 12, 2024. At the time of the shooting, Trooper McGregor had been a member of the New Hampshire State Police for about five years, and he has been assigned as a BearCat driver for about the last year of his State Police tenure.

Trooper Stone was interviewed on November 11, 2024. At the time of the shooting, Trooper Stone had been a member of the New Hampshire State Police for about seven and half years and he has been assigned as a member of the Crisis Negotiation Unit for about four and half years.

Sergeant Livingstone was interviewed on November 12, 2024. At the time of the shooting, Sergeant Livingstone had been a member of the New Hampshire State Police for about fifteen years, and he has been assigned as a BearCat driver for about the last six years of his State Police tenure.

At the time of the shooting, Sergeant Livingstone and Troopers McGregor and Stone were located in the front half of the BearCat. All three saw Mr. Steinfeldt holding a rifle along with another object when he was in the doorway.<sup>2</sup> Nearly simultaneously, they all shouted that Mr. Steinfeldt had a gun just prior to gunshots being fired.

### **2. Sergeant Michael Cedrone**

Sergeant Cedrone was interviewed on November 27, 2024. At the time of the shooting, Sergeant Cedrone had been a member of the New Hampshire State Police for about twenty years, and a member of the SWAT team for about the last thirteen years.

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<sup>2</sup> Sergeant Livingstone and Trooper Stone noted that Mr. Steinfeldt had picked up or was holding shoes. Trooper McGregor could not tell what the other object was.

At the time of the shooting, Sergeant Cedrone was positioned on the fender of the BearCat on the driver's side monitoring the front doorway where Mr. Steinfeldt appeared holding a rifle. Sergeant Cedrone saw Mr. Steinfeldt holding the rifle oriented in an upwards direction that he described as "oriented like north to south." Sergeant Cedrone saw Mr. Steinfeldt turn clockwise toward the BearCat. Sergeant Cedrone saw Mr. Steinfeldt was turning toward the BearCat while holding his rifle, believed him to be an imminent threat, and at that point Sergeant Cedrone fired twice, saw the flash of Mr. Steinfeldt firing, and then Sergeant Cedrone continued to fire for another 2 to 3 seconds. Sergeant Cedrone believed Mr. Steinfeldt's intention was to harm state troopers or private citizens located in nearby homes and businesses

**5. Sergeant Stefan Czyzowski**

Sergeant Czyzowski was interviewed on November 27, 2024. At the time of the shooting, Sergeant Czyzowski had been a member of the New Hampshire State Police for about eighteen years, and a member of the SWAT team for about the last thirteen years.

At the time of the shooting, Sergeant Czyzowski was positioned on the fender of the BearCat on the driver's side to the left of Sergeant Cedrone. Sergeant Czyzowski was able to see a fast movement from left to right across a bay window moving in a direction towards the open doorway. As Sergeant Czyzowski saw the movement, he heard Trooper Stone inside the BearCat yelling that Mr. Steinfeldt had a rifle. Sergeant Czyzowski observed Mr. Steinfeldt "peer out" of the doorway with his head and present himself turning left toward the front left side of the inn. He could not see the left side of Mr. Steinfeldt's body or a rifle. Sergeant Czyzowski then heard a "distinct" unsuppressed gunshot that he knew did not come from a SWAT team member as their rifles are suppressed. Upon hearing the unsuppressed gunshot, Sergeant Czyzowski feared Mr. Steinfeldt was shooting at the officers and in response, he discharged his rifle. Sergeant

Czyzowski was concerned that Mr. Steinfeldt's intention was to harm state troopers or private citizens located in nearby homes and businesses.

**6. Sergeant Nicholas Levesque**

Sergeant Levesque was interviewed on November 26, 2024. At the time of the shooting, Sergeant Levesque had been a member of the New Hampshire State Police for about twelve years, and a member of the SWAT team for about the last eleven years.

At the time of the shooting, Sergeant Levesque was positioned at a guardrail across the street from the inn and to the left of the BearCat. He was the only team member at this location. Sergeant Levesque was in this position for approximately 1 or 2 minutes when he heard someone from the BearCat yell, "He has a rifle!" Sergeant Levesque saw the right side of Mr. Steinfeldt through the bay window as he moved toward the door. Sergeant Levesque anticipated that he would see Mr. Steinfeldt at the door, but he did not see him. Sergeant Levesque was looking at the door from an angle. Sergeant Levesque remained focused on this area between the window and the door when he heard one unsuppressed gunshot. Upon hearing the unsuppressed gunshot, Sergeant Levesque was concerned that Mr. Steinfeldt's shooting would injure SWAT team members or citizens in the area, and he immediately discharged his rifle into the exterior wall, as he was confident Mr. Steinfeldt was on the other side of the wall.

**7. Trooper Daniel Roger**

Trooper Roger was interviewed on November 27, 2024. At the time of the shooting, Trooper Roger had been a member of the New Hampshire State Police for about ten years, and a member of the SWAT team for about the last five years.

At the time of the shooting, Trooper Roger was in a line with Sergeant Cedrone, Sergeant Czyzowski, and Trooper St. Cyr on the driver's side of the BearCat. Trooper Roger described

having a clear line of sight to the doorway where he saw Mr. Steinfeldt's head and shoulders as well as a rifle in his hand. He described hearing Mr. Steinfeldt's unsuppressed gunshot and believed he was shooting out from the building towards the SWAT team members or private citizens in the surrounding area. Trooper Roger then fired several rounds to try to immediately incapacitate Mr. Steinfeldt to prevent him from causing death or serious bodily injury to team members or nearby private citizens.

**8. Trooper Ryan St. Cyr**

Trooper St. Cyr was interviewed on December 9, 2024. At the time of the shooting, Trooper St. Cyr had been a member of the New Hampshire State Police for about ten years, and a member of the SWAT team for about the last five years.

At the time of the shooting, Trooper St. Cyr was located in a line of troopers on the driver's side of the BearCat that included Sergeant Cedrone, Sergeant Czyzowski, and Trooper Roger. Trooper St. Cyr described hearing Trooper Stone saying, "He's coming to the door. Something in his hand. He's got a gun! He's got a rifle!" Trooper St. Cyr was able to see Mr. Steinfeldt's left leg and what looked like the barrel of a rifle he believed to be pointed down in the doorway. He heard a loud, distinct pop like a round being discharged, which sounded different than the suppressed rifles used by the SWAT team. Believing Mr. Steinfeldt saw a team member and shot at them, Trooper St. Cyr aimed at Mr. Steinfeldt and tried to fire. Initially, Trooper St. Cyr's rifle malfunctioned, and he cleared his rifle before targeting Mr. Steinfeldt's position and discharging several rounds from his rifle.

**9. Sergeant Noah Sanctuary**

Sergeant Sanctuary was interviewed on November 27, 2024. At the time of the shooting, Sergeant Sanctuary had been a member of the New Hampshire State Police for about eight years, and a member of the SWAT team for about the last six years.

At the time of the shooting, Sergeant Sanctuary was positioned near the foundation of a building located across the street from the Federal House Inn. Sergeant Sanctuary was able to see Mr. Steinfeldt move from left to right and then out of view just before the doorway opening. When Mr. Steinfeldt appeared in the doorway, Sergeant Sanctuary saw something in Mr. Steinfeldt's hands, but he could not tell what it was due to Mr. Steinfeldt's movement. Sergeant Sanctuary then heard from SWAT members inside the BearCat that Mr. Steinfeldt had a rifle in his hands. Sergeant Sanctuary described hearing suppressed gunshots coming from his left and then a louder unsuppressed gunshot from the doorway and seeing a "muzzle blast" near where he last saw Mr. Steinfeldt. Sergeant Sanctuary believed that Mr. Steinfeldt was shooting at other SWAT members. Sergeant Sanctuary then fired multiple rounds aiming just to the left of the doorway about shoulder height where he saw the muzzle blast.

**C. Video Evidence**

Although surveillance video from a nearby business was obtained, no known private citizen recording devices, such as cellphones or surveillance cameras, captured the shooting incident. At the time of the shooting, Trooper McGregor's body camera was on but did not record audio. His video showed that at approximately 12:47 A.M., movement occurred in an open doorway and a spotlight was directed to the doorway. Mr. Steinfeldt was holding a rifle in his left hand, as he bent over to pick up shoes inside the doorway. Mr. Steinfeldt stood up and

continued to maintain control of the rifle, which was pointed upwards. Mr. Steinfeldt then collapsed and shots appear to have been fired over a period of approximately 10 seconds.

### **C. Physical Evidence**

Shell casings were collected from the ground near the guardrail across the street from the Federal House Inn, the ground by the foundation across the street from the Federal House Inn, and the roadway near the BearCat and bumper of the BearCat. 23 casings were collected near the guardrail. 12 casings were collected from the ground near the foundation. 41 casings were collected from the roadway near the BearCat and the bumper of the BearCat. In total, 76 casings were collected. While not accounting for the loading procedure by each trooper for each weapon<sup>3</sup>, the approximate estimate for the numbers of rounds fired by Sergeants Cedrone and Czyzowski was 14, 23 rounds by Sergeant Levesque, 8 rounds by Trooper Roger, 7 rounds by Trooper St. Cyr, and 13 rounds by Trooper Sanctuary.<sup>4</sup>

### **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. RSA 627:5, II delineates when a law enforcement officer is justified in using 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

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<sup>3</sup> While all six troopers stated their practice was to load their 30-round capacity magazines with 28 rounds, for this section's purpose, it is important to note that additional unexpended magazines seized from the six troopers were intermittently loaded with 27, 28, or 29 rounds.

<sup>4</sup> These numbers cannot be estimated with specificity. Although, when calculating the remaining rounds discovered in their firearm magazines against the approximately 28 rounds believed to be loaded into each magazine does not total 76 casings expended, it is possible that some casings were not located during the search of the scene or, the number could be impacted by a varying number of total rounds loaded before firing (see FN3 above). However, based on the physical evidence as well as the six involved troopers' statements, cumulatively, at least 76 rounds were fired.



firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” RSA 627:9, II.

Under RSA 627:5, II(a), a law enforcement officer is justified in using deadly force “when he reasonably believes such force is necessary . . . to defend himself or a third person from what he reasonably believes is the imminent use of deadly force.” 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 the circumstances surrounding the incident should be considered in determining whether there was a reasonable belief that deadly force was necessary to defend oneself 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).

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 (11<sup>th</sup> Cir. 2009) (citations omitted). That is because “the law does not require perfection—it requires objective reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV-MARRA, 2013 U.S. Dist. LEXIS 44646 \*55-56 (S.D. Fla. March 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 law enforcement officer in New Hampshire.

## **V. ANALYSIS AND CONCLUSION**

The analysis of the law enforcement use of deadly force here begins with a review of pertinent circumstances leading up to that event. Police presence at Mr. Steinfeldt’s residence resulted from criminal allegations made against him by identified private citizens who reported

that he had just committed violent acts against them using a deadly weapon, a handgun. The police who received that criminal complaint were obligated to follow-up on it. And, when Plymouth police officers arrived on-scene, they discovered Attorney Nizetic bleeding profusely. Attorney Nizetic told police the injuries were inflicted by Mr. Steinfeldt during the struggle to gain control of the handgun after Mr. Steinfeldt had placed the gun against Mr. Harrison's head, Attorney Nizetic pushed the gun away, and Mr. Steinfeldt fired the gun. Mr. Steinfeldt's conduct constituted attempted murder (for trying to fire his gun at Mr. Harrison's head) and attempted first degree assault (for attacking Attorney Nizetic's eyes as they wrestled for Mr. Steinfeldt's gun). *See* RSA 630:1-b (Second-Degree Murder), RSA 631:1 (First-Degree Assault). When the police attempted to further investigate, within minutes of responding, they heard audible gunfire from within Mr. Steinfeldt's residence. When contacted, Mr. Steinfeldt refused to leave his residence, precipitating the lengthy armed standoff that followed. Given the location of the Federal House Inn, his lack of cooperation, his use of firearms against two private individuals as well as in response to police presence, and his continued firing of a weapon, Mr. Steinfeldt posed an imminent deadly threat to the community at large. Moreover, these actions also constituted a deadly threat to the school, businesses, other residences in the surrounding area, and responding law enforcement, all of whom were within Mr. Steinfeldt's potential line of fire.

For the next ten hours, Mr. Steinfeldt failed to disarm and leave his residence peacefully, repeatedly disregarding commands to do so by loudspeaker and instructions through phone calls with a negotiator. Throughout the ten-hour standoff, these directives included explicit instructions to come out unarmed. To the contrary, police officers outside Mr. Steinfeldt's residence received information that Mr. Steinfeldt was armed with a rifle and, following the

deployment of tear gas, troopers smelled the odor of gasoline coming from within his residence. A subsequent search of Mr. Steinfeldt's residence revealed the rifle he used to shoot himself, two rifle casings in the basement, and an open empty prescription bottle for hydrocodone on the bed in the master bedroom. Gas cans were also observed in the basement and first floor of the residence, and there were indications gas had been poured in areas of the basement and first floor.

It is in the context of these preceding relevant circumstances that the use of deadly force against Mr. Steinfeldt by law enforcement should be assessed. The situation created by Mr. Steinfeldt meant that responding law enforcement, SWAT team members in particular, were faced with a volatile and unpredictable individual who was armed with a firearm and had repeatedly demonstrated an intent to use it that day. Moreover, the already dangerous circumstances presented by Mr. Steinfeldt was aggravated further by his choice to continue ignoring commands from law enforcement. Immediately preceding SWAT team members' use of force, Mr. Steinfeldt came to the entrance of the building holding a rifle; conduct directly contrary to the repeated orders he received to come outside unarmed with nothing in his hands. Based on his actions – both when he appeared in the doorway armed and immediately prior – Mr. Steinfeldt had demonstrated a distinct and unwavering intent that deadly force be used, by himself or another, to end his life.

Based on the video footage and the statements of the troopers who fired their weapons, it was only when Mr. Steinfeldt fired his rifle and/or was perceived as firing the weapon at troopers that SWAT members, nearly contemporaneously or immediately after Mr. Steinfeldt's unsuppressed gunshot, fired upon Mr. Steinfeldt.<sup>5</sup> As a result, Mr. Steinfeldt posed a

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<sup>5</sup> Even assuming troopers fired before Mr. Steinfeldt did, their use of deadly force would still be justified under these present facts, as law enforcement officers do not need to wait for Mr. Steinfeldt to fire his gun to further assess the

reasonable, deadly, and imminent threat to the officers who were in his immediate vicinity — as well as nearby police officers and private citizens, which justified the use of deadly defensive force. *See* RSA 627:5, II(a) (“A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary, [t]o defend himself or a third person from what he believes is the *imminent* use of deadly force.”) (emphasis added).<sup>6</sup>

Additionally, in light of how Mr. Steinfeldt appeared armed in the doorway and in the context of his prior actions, it was objectively reasonable for SWAT team members to believe that when Mr. Steinfeldt fired his rifle, he was firing at the SWAT team members themselves. None of the involved SWAT team members indicated that they saw Mr. Steinfeldt holding the rifle barrel to his chin. Several of the involved troopers, as shown in Image 1, did not have cover or protection. Therefore, it was objectively reasonable to conclude that Mr. Steinfeldt posed an imminent deadly threat to the SWAT team members.

Next, the law enforcement use of deadly force against Mr. Steinfeldt was reasonable in relation to the existing deadly threat that he posed. The number of shots fired at him did not transform the lawful use of defensive force either to unlawful retaliation or to an unreasonable application of justifiable force. Troopers fired either nearly contemporaneously or immediately after Mr. Steinfeldt fired his rifle, and their responsive fire occurred while Mr. Steinfeldt was

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danger he posed. For example, in *Ramirez v. Knoulton*, 542 F.3d 124, 127 (5th Cir. 2008), police stopped a suspected armed and suicidal man. As the suspect got out of his car, he was holding something in his right hand. *Id.* Police asked what he was holding and ordered him to drop it. *Knoulton*, 542 F.3d 124, 127. When the suspect was completely out of the car, officers clearly saw that he was holding a handgun. *Id.* As the suspect stood profile to them, he brought his hands together in front of his waist. *Id.* As he brought his hands together, a police officer shot the suspect in the head with his patrol rifle. *Id.* The suspect had “never raised his weapon nor aimed it at the officers.” *Id.* at 129. In assessing the constitutionality of the officer’s use of deadly force, the Court explained that officers are not required “to wait until a suspect shoots to confirm that a serious threat of harm exists.” *Id.* at 130 (internal quotation omitted)).

<sup>6</sup> Although legal justification places a high threshold for lawful defensive deadly force, officers need not wait for the actor to use deadly force before responding with deadly force, but instead there needs to be “a reasonabl[e] belie[f] of the imminent use of deadly force.” RSA 627:5, II(a).

armed over a span of less than twenty seconds. Under all these circumstances, the use of force applied was reasonable and not excessive.

In conclusion, New Hampshire State Troopers Sergeant Michael Cedrone, Sergeant Stefan Czyzowski, Sergeant Nicholas Levesque, Trooper Daniel Roger, Trooper First Class Ryan St. Cyr, and Sergeant Noah Sanctuary were legally justified in using deadly force against Kevin Steinfeldt even though it came immediately after or simultaneous to Mr. Steinfeldt firing the shot that took his own life. Accordingly, no criminal charges will be filed against any of the involved troopers as a result of Mr. Steinfeldt's death.