

**ATTORNEY GENERAL'S REPORT ON OFFICER INVOLVED SHOOTING IN  
NASHUA, N.H. ON MARCH 22, 2014**

**May 16, 2014**

**I. Introduction**

This report briefly summarizes the Attorney General's findings and conclusions with regard to this officer-involved shooting in Nashua, New Hampshire. The report is far less detailed than other reports of this nature because there are criminal charges pending against Craig Riley, in connection with this incident. Therefore, certain details have been withheld pending resolution of Mr. Riley's criminal charges.

The investigation has revealed that Craig Riley's actions and course of conduct on March 22, 2014, created a situation where Officer Stephen Morrill reasonably believed that he was in danger of death or serious bodily injury when Craig Riley grabbed Officer Morrill's metal baton, raised it above Officer Morrill's head, and turned his body as if to hit Officer Morrill in the head with his baton. Accordingly, based on the investigation's findings and for the reasons detailed below, the Attorney General has determined that Officer Morrill's shooting of Craig Riley was a justified use of deadly force.

**II. Factual Background and Investigation**

**A. Facts**

On March 22, 2014, at approximately 6:30 p.m., the Bedford, New Hampshire Police Department received nearly simultaneous reports of shoplifting from Wal-Mart and Hannaford in Bedford. Both provided similar descriptions of the shoplifter. A Wal-Mart loss prevention officer had confronted the shoplifter, who initially fled on foot and then left the area in a van with New Hampshire registration 2971623. Upon responding to Hannaford, Bedford police found Daniel Chandonnet walking in the parking lot. He matched the description of the shoplifter from both Wal-Mart and Hannaford. He was not with the van he was seen entering after the Wal-Mart shoplifting. He was arrested but denied involvement in the thefts. He also insisted he had been alone that day.

Efforts were made to locate the van that was connected to the shoplifting incident. Nashua Officer Stephen Morrill responded to a call to assist Bedford by finding the driver of the van seen leaving Wal-Mart. Bedford contacted Nashua to assist in locating the van, because the van's registration listed the owner as having two possible addresses in Nashua. Although he normally would not have been called to that area in Nashua, Officer Morrill was dispatched because the officers covering that area were tied up on another call at the time. Officer Morrill has been a full time police officer in Nashua since April 2010. He completed and passed all required training, including Oleoresin Capsicum (pepper spray) ("OC spray") training and instruction, baton training, hand-to-hand defensive tactics, and firearm training. He was qualified with his firearm. Officer Morrill attended additional trainings on force and patrol

tactics including baton training, firearm training and hand-to-hand defensive tactics twice a year through the Nashua Police Department.

On March 22, 2014, Officer Morrill was driving a fully-marked cruiser and was wearing his full regular uniform, including a bullet proof vest and duty belt. On his belt, Officer Morrill had OC spray, a Monadnock expandable metal baton (the “baton”), a Smith & Wesson .40 caliber handgun, spare magazines, a flashlight, handcuffs and a radio.

Dispatch sent Officer Morrill to Perham Street, in Nashua, then to 5 New Haven Drive in search of the van. Elizabeth Riley, the registered owner of the van, lives at 5 New Haven Drive. While en route, Officer Morrill received a message from Detective Archambault that Officer Morrill might be looking for Craig Riley. Officer Morrill used the data terminal in his cruiser to get information about Riley, including his picture.

Officer Morrill pulled into 5 New Haven Drive, an apartment building, and saw the van he was looking for coming toward him. When he arrived on scene, he was initially expecting to contact Riley’s mother, the registered owner of the van, but was not expecting to see the van. The van pulled into a parking spot at the apartment building. Officer Morrill pulled in behind it, turned on his blue lights, and informed dispatch that the van was stopped and it was occupied. When Officer Morrill ended his call to dispatch, a man Officer Morrill recognized as Riley got out of the van and walked away while appearing to make a call on his cellular phone. Officer Morrill stated “Nashua Police stop” twice. Riley looked back at Officer Morrill, and then took off running. Because Riley did not follow further commands to stop, Officer Morrill pursued him on foot.

Officer Morrill eventually caught up to Riley and a struggle ensued. During that struggle, Officer Morrill tried to use physical force and then OC spray to subdue Riley. After an extended period of wrestling, Officer Morrill realized that Riley’s hands were on Officer Morrill’s belt line, and Officer Morrill felt Riley’s hand come over and touch Officer Morrill’s gun. Officer Morrill did as he was taught in training and made sure Riley could not get his gun. Riley continued to struggle and use physical force against Officer Morrill before running away again.

Officer Morrill ran behind Riley while trying to find his radio to contact dispatch about backup. Officer Morrill had his baton in his left hand, caught up to Riley, and struck at Riley’s arms. Riley pushed Officer Morrill away. Officer Morrill told Riley to get to the ground and stop, when Riley turned and started running toward the back of 5 New Haven Drive. Officer Morrill kept pace behind Riley because he was trying to contact dispatch to get backup before making physical contact with Riley again.

Officer Morrill told dispatch he was still in pursuit and provided his location. Every time he tried to provide this information to dispatch, however, dispatch responded that they did not understand him. Riley ran to one of the doors at the back of 5 New Haven Drive, which Officer Morrill knew housed Riley’s mother’s apartment on the ground floor.

Riley put a key in the building entrance door and started unlocking and opening it when Officer Morrill gave him commands to stop and get on the ground. Riley did not comply. Officer Morrill knew at this point he had to make physical contact without waiting for backup to arrive. Officer Morrill struck Riley's arms with his baton, but Riley continued to enter the apartment building through the doorway. Knowing that if Riley closed the doorway Officer Morrill would be locked out of the building, Officer Morrill ran in and grabbed Riley. Riley attempted to pull the door shut, but Officer Morrill was in the doorway and Riley was unable to shut it.

Officer Morrill and Riley wrestled as they moved down the hallway of the apartment building. Riley was able to get Officer Morrill on the ground and delivered a strike to Officer Morrill's face and body. Officer Morrill thought that Riley was trying to kill him.

While continuing to wrestle, Riley obtained control of Officer Morrill's baton, which Officer Morrill had dropped during the struggle in the hallway. Riley picked up the baton and held it up in the air. Officer Morrill reached for his firearm, and yelled at Riley to drop the baton at least twice. Riley turned and sprinted away from Officer Morrill down the hallway in the direction of his mother's apartment unit. Officer Morrill continued to yell to Riley to drop the baton as he ran after him. Once they were at a full sprint, Riley suddenly stopped and turned around. Riley made eye contact with Officer Morrill, which in retrospect Officer Morrill believed was Riley looking at Officer Morrill's head, where he intended to strike him with the baton.

Riley raised the baton in the air with his left hand, so that it was over his head. Riley started turning the baton, and therefore also his arm and body, toward Officer Morrill with the baton coming toward Officer Morrill's head. They were about five feet away from each other, but close enough that Officer Morrill felt that Riley was going to strike Officer Morrill's head. As Riley came at Officer Morrill with the baton, Officer Morrill had his firearm down at his hip at a low ready, in Riley's direction but aimed more at the ground than at Riley. Officer Morrill thought that if he used his gun in the apartment building's hallway, he would have to shoot down the hallway so the bullets would not go through the apartments. As Riley came around toward Officer Morrill, Officer Morrill fired two shots at Riley. Riley fell down to the ground. Officer Morrill holstered his weapon. He notified dispatch that shots had been fired. He cuffed Riley's hands behind his back and requested an ambulance on scene. A short while later he saw officers coming down the hallway toward him.

At the time of the shooting, Officer Morrill was in fear for his life. He specifically thought that Riley was about to strike him in the head with his baton, either killing him or knocking him out, also possibly obtaining Officer Morrill's firearm which Riley had previously tried to gain control over. Officer Morrill knew from his training in baton use that the baton was to be used for legs and arms, not the head and torso which could cause serious bodily injury or death. Officer Morrill did not know if dispatch had received his calls for backup, or if backup was on its way. Throughout the pursuit, Officer Morrill's goal was to get Riley in custody.

Multiple witnesses were interviewed. They consistently stated that they saw a police cruiser with its lights activated, a man being chased by a police officer, hearing the officer tell

the other man to drop the weapon at least twice, and then hearing two gunshots from inside the apartment building.

## **B. Medical Information**

Officer Morrill was treated for a scrape under his neck, respiratory distress from inhaling the OC spray, and received a CAT scan to ensure he did not have trauma to his head from Riley's strike. Officer Morrill's face was red where Riley struck him.

Riley's treating physician, Dr. Edward Flickinger, said that Riley had a through-and-through gunshot wound to the right shoulder. He thought the bullet entered in the back of the shoulder and exited through the front, although he could not be sure of that direction. The second gunshot wound was to Riley's back, without an exit wound. The bullet entered just above Riley's hip, traveled to the front, and came to rest by Riley's stomach just under his skin.

American Medical Response EMTs noted that no gunshot residue or powder burns were seen around any of Riley's wounds.

## **III. Legal Analysis**

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. Under RSA 627:5, II (a), a law enforcement officer is justified in using deadly force when he reasonably believes that such force is necessary to defend himself or a third person from what he reasonably believes is the imminent use of deadly force. Under RSA 627:9, II, "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.

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). All the circumstances surrounding the incident should be considered. See id. at 99; Aldrich v. Wright, 53 N.H. 398 (1873).

When analyzing the reasonableness of an actor's use of deadly force, the State must consider that it would bear the burden at trial to disprove a claim of self-defense or defense of another beyond a reasonable doubt. See State v. McMinn, 141 N.H. 636, 645 (1997). The person who uses deadly force has no obligation to show that his conduct was reasonable or met the requirements of the law, the burden to disprove remains with the State.

## **IV. Conclusion**

The evidence demonstrates that throughout his interaction with Officer Morrill, Craig Riley created a dangerous situation, which escalated after Riley threatened Officer Morrill with deadly force. Riley both verbally and physically resisted Officer Morrill's many requests and

commands for Riley to stop and submit. He physically resisted at one point, going so far as to attempt to grab Officer Morrill's firearm. Riley then ran into his mother's apartment building after attempting to enter another apartment building.

During the course of the chase, Officer Morrill first used hand-to-hand combat, then OC spray, then his baton, all in an attempt to get Riley to submit to custody without using deadly force. During these encounters Officer Morrill felt his life was in danger as Riley not only went after his firearm, but also tried to choke him, physically assaulted him, and attempted to use Officer Morrill's baton against him. Only after having utilized each of these non-deadly measures, and losing his OC spray and baton as items of self-defense, did Officer Morrill use his firearm. He did so only when he felt that his life was in danger, making a split second decision that he needed to respond to what he reasonably believed was Riley's imminent use of deadly force as Riley swung at Officer Morrill's head with the baton. Officer Morrill, who had been trained on use of the baton, knew that if Riley struck him in the head, he could be killed. Only after Riley acted to use deadly force did Officer Morrill shoot Riley. He then immediately holstered his firearm and called for assistance. Officer Morrill also fired both the shots directly down the hall, so as to ensure the safety of all other residents of the apartment building.

Based on all the facts and circumstances known to Officer Morrill at the time he fired his weapon, and examining the situation from the standpoint of an objective police officer in his position, it was reasonable for Officer Morrill to conclude that Riley was about to use deadly force against him. Therefore, Officer Morrill was legally justified in using deadly force against Riley.