

**ATTORNEY GENERAL’S REPORT REGARDING THE
JUNE 19, 2022, FATAL SHOOTING
INCIDENT IN MANCHESTER, NEW HAMPSHIRE**

I. INTRODUCTION

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a fatal shooting incident that occurred in Manchester, New Hampshire, on June 19, 2022, in which Adnan Husejnovic (age 33) was shot and killed. During that incident, Mr. Husejnovic’s spouse reported to law enforcement that she was being assaulted by Mr. Husejnovic while in a parking lot located off Tarrytown Road. Specifically, she reported being struck by Mr. Husejnovic with a pistol. Upon subsequent police response to the parking lot, officers encountered Mr. Husejnovic in his vehicle, a gray compact SUV. Mr. Husejnovic was armed with a pistol. What ensued was an hour-and-a-half long armed confrontation as police tried to convince Mr. Husejnovic to disarm. While police were continuing their dialogue with him, Mr. Husejnovic raised the pistol toward police, and in response four officers from the Manchester Police Department and two troopers from the New Hampshire State Police fired on Mr. Husejnovic. Mr. Husejnovic was struck and fatally wounded by at least 11 gunshots.

The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding the use of deadly force against Mr. Husejnovic.¹ The

¹ As is discussed in more detail later in this report, it is unknown which of the officers’ bullets struck Mr. Husejnovic. All six police officers who discharged their firearms at Mr. Husejnovic all used deadly force against him, and thus they are all subjects 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.

findings and conclusions in this report are based upon information gathered during the course of the investigation, including review of photographs of the scene of the incident, available video recordings and audio recordings of events, witness interviews, and numerous reports generated during the investigation.

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 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 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 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 Adnan Husejnovic by Sergeant Eric Joyal and officers Eric Cooper, Brendon Megan, and Jake Sawtelle of the Manchester Police Department, as well as troopers Brandon Tallon and Tyler Duhamel of the New Hampshire State Police was legally justified.

II. SUMMARY OF THE FACTS

At approximately 12:20 a.m. on June 19, 2022, Gina Husejnovic (age 52) called police reporting she had been assaulted by her husband, Adnan Husejnovic, and that there was a gun involved. She further reported that the assault occurred within their vehicle. Multiple Manchester officers responded to the reported location of the assault, a parking lot in the rear of the Rite Aid located on Mammoth Road in Manchester. The lot is located just off Tarrytown Road and is accessible via a small roadway connecting to the Rite Aid parking lot. There, the officers found Ms. Husejnovic standing outside a grey Toyota RAV4. Mr. Husejnovic was inside his grey Toyota RAV4, sitting in the front passenger seat.

Ms. Husejnovic then walked away from the vehicle to speak with officers. Mr. Husejnovic, however, refused to exit the vehicle after being instructed to do so over loudspeaker. From that point, and based on information from Ms. Husejnovic that Mr. Husejnovic was armed with a gun, law enforcement treated the situation as an armed barricaded subject in a vehicle. Mr. Husejnovic appeared agitated, but officers could not hear his words as the vehicle's windows and doors were closed and Mr. Husejnovic refused to open them.

At some point, Mr. Husejnovic appeared to be trying to communicate with officers, opening and closing the passenger door of the RAV4. Throughout this time, Mr. Husejnovic was also seen with various objects in his hands, including but not limited to bottles, shoes, cell phone(s), and other unknown objects. At various points, Mr. Husejnovic threw some of these items out of the vehicle when he would open and close the door yelling at the officers.

After some time, officers were able to hear Mr. Husejnovic's statements more clearly; he appeared upset that law enforcement was there and said that it was in fact Ms. Husejnovic who had struck him.

Eventually, at a point when Mr. Husejnovic was inside the vehicle again, he was observed holding a black pistol in one hand. Mr. Husejnovic held the pistol in various ways, e.g. by the grip, upside down, or by the muzzle. While holding the firearm, Mr. Husejnovic continued entering and exiting the RAV4. Throughout this time, he was seen holding the firearm properly by its grip at least once, with his index finger on the trigger. Officers continued commanding Mr. Husejnovic to put down the firearm and exit his vehicle.

Eventually, at around 2:05 a.m., Mr. Husejnovic once again opened the vehicle door. He appeared to remain seated, but leaning slightly out toward the open passenger door window. Mr. Husejnovic was facing officers, looking at them through the window of the vehicle's door.

At that time, Sergeant Eric Joyal of the Manchester Police Department saw Mr. Husejnovic's index finger on the trigger of the firearm. He then saw Mr. Husejnovic raise the firearm in his left hand, pointing it toward the officers through the door window. Sergeant Joyal then fired 5-6 rounds at Mr. Husejnovic. After the initial shot was fired, officers Eric Cooper, Brendon Megan, and Jake Sawtelle of the Manchester Police Department, as well as troopers Brandon Tallon and Tyler Duhamel of the New Hampshire State Police, also opened fire.

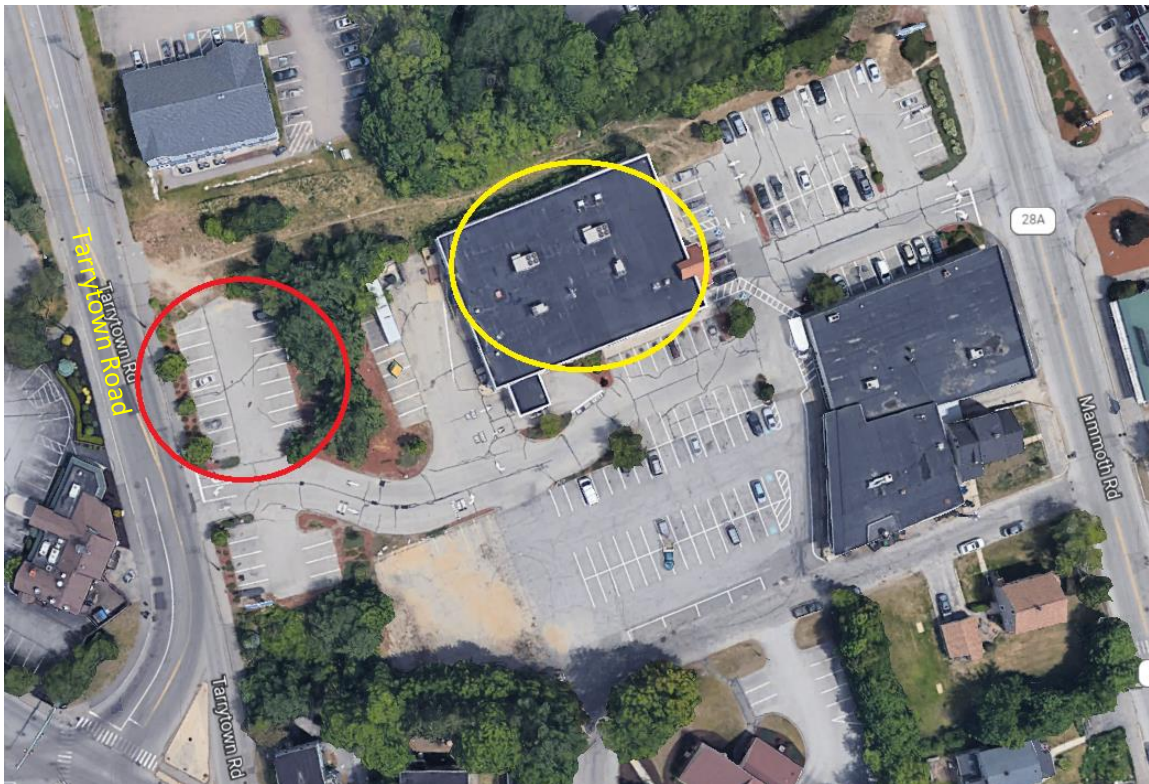
Mr. Husejnovic was shot and killed by this gunfire. Nobody else was injured during Mr. Husejnovic's armed confrontation with the police.

III. THE INVESTIGATION

A. Adnan Husejnovic Background

Ms. Husejnovic was interviewed by Manchester Police Department investigators on June 19, 2022, and provided background information on Mr. Husejnovic.

At the time of Adnan Husejnovic's death, he and his wife were homeless, living out of their vehicle in and around the area of Manchester, NH since the start of the COVID-19 pandemic. Ms. Husejnovic made payments to Mr. Husejnovic's father, Senad Husejnovic, for the vehicle, which he owned. On the night of June 19, 2022, they parked the vehicle in a parking lot behind the Rite Aid store on Mammoth Road in Manchester. The lot is directly adjacent to Tarrytown Road and easily accessed from that road.



An overhead photo of the parking lot behind the Mammoth Road Rite Aid (via Google Maps). The parking lot adjacent to Tarrytown Road, the location of the shooting incident between Mr. Husejnovic and the police, is circled in red. The Rite Aid is circled in yellow.



An overhead photo of the Terrytown Road parking lot behind the Mammoth Road Rite Aid, via Manchester Police Department drone, depicting the position of Mr. Husejnovic's vehicle at the time of the deadly force incident. Mr. Husejnovic's vehicle is circled in red.

B. Events Leading to Deadly Shooting Incident

On the morning of June 18, 2022, Mr. Husejnovic went to the methadone clinic located on Maple Street in Manchester where he apparently had a dispute with a female and was kicked out of the clinic before receiving a dose of methadone. Mr. and Ms. Husejnovic visited various stores throughout Manchester that day, including a pawn shop on South Willow Street where Mr. Husejnovic wanted to purchase a silver bracelet, but became upset again when told he did not have the money for the bracelet.

They parked their vehicle in the parking lot behind the Mammoth Road Rite Aid around 7:00-8:00 P.M. Ms. Husejnovic stated she was trying to shut her eyes after

parking, but Mr. Husejnovic was “being an asshole”, saying bad things to her. Mr. Husejnovic then ripped the rear-view mirror off the windshield.

Ms. Husejnovic told investigators that, as she was seated in the driver’s seat and Mr. Husejnovic was in the passenger’s seat, he hit her on the right side of her face with a closed fist. Mr. Husejnovic also reportedly spit in her face, grabbed and squeezed her fingers, hit her in the chest, and kicked her in the right side of her ribs. Mr. Husejnovic also made threatening statements, including “I’m going to beat the shit out of you and take the car.”

Ms. Husejnovic then got out of the vehicle and called 911 to report the assault by Mr. Husejnovic. Officers who spoke with her did not note any apparent recent injuries.

C. Events After Law Enforcement Arrived on Scene

Ms. Husejnovic’s call came into police at 12:20 A.M. and officers were dispatched to her location in the parking lot off Tarrytown Road in the following minutes. At approximately 12:29 A.M., Officer Sawtelle was the first to arrive on scene, followed soon by Officers Megan and Hondros of the Manchester Police Department. Officer Sawtelle located Mr. Husejnovic’s vehicle where he was seated in the front passenger seat. Ms. Husejnovic was standing at the front of the vehicle. Officer Sawtelle parked his cruiser about 30 yards away from the RAV4, in the entrance to the lot. He then exited his cruiser with his patrol rifle based on the report that Mr. Husejnovic had a firearm, and called Ms. Husejnovic away from the RAV4 to speak with other officers. Officer Megan took cover behind a cruiser while the officers identified themselves to Mr. Husejnovic and attempted to contact him through a loudspeaker in one of their cruisers. The officers instructed Mr. Husejnovic to exit his vehicle but he refused. At that point, Officer Megan

retrieved his patrol rifle from his cruiser for its optics, and knowing it was more accurate than his patrol pistol.

At 12:32 A.M., officers saw Mr. Husejnovic was holding a black cell phone and cigarette. Ms. Husejnovic gave officers Mr. Husejnovic's phone number at approximately 12:34 A.M. and informed them that he typically keeps his firearm in the center console of the vehicle, in his waistband, or in the driver's seat pouch. She stated the firearm was a "black Glock .45", though it was later determined Mr. Husejnovic's gun was in fact a black, HI-POINT Firearms, model JHP .45 caliber pistol.

With this information, and Mr. Husejnovic's refusal to leave the car, the officers began attempting to call Mr. Husejnovic on his phone, which they saw him using inside his vehicle. They also continued making announcements over a loudspeaker to answer their calls. Mr. Husejnovic, however, would not answer their calls and continued to ignore the officers' instructions. Officer Megan observed at this time that Mr. Husejnovic was already becoming more "manic," getting in and out of his vehicle and yelling at the officers.

At approximately 12:39 A.M., American Medical Response ("AMR") EMTs were contacted to render medical aid in the event the situation escalated. AMR began staging.

At approximately 12:45 A.M., Ms. Husejnovic told the officers that Mr. Husejnovic had been kicked out of the methadone clinic the day before, and that he was currently intoxicated or under the influence of alcohol or controlled drugs.

Around 12:47 A.M., the officers concluded that probable cause existed to arrest Mr. Husejnovic for three (3) counts of simple assault on Ms. Husejnovic related to the incident she had described. At that time, officers on scene were aware Mr. Husejnovic

was now wanted for the assault, was known to have a firearm in the vehicle with him, had prior involvement with gangs, drugs, and violent felonies, and was refusing to comply with announcements and commands to exit the vehicle. Given these circumstances, the situation was thereafter treated as an armed barricaded subject. Officers requested the Manchester Police Department Ballistic Engineered Armored Response Counter-Attack Truck, or “Bearcat,” be brought to the scene at approximately 12:48 A.M. to provide additional cover for the officers on scene.

Approximately 20-25 minutes after Officer Sawtelle first arrived on scene, Sergeant Joyal arrived with the Manchester Police Department Bearcat which is used for protection from small firearms, explosives and improvised explosive device (IED) threats. Sergeant Joyal was assigned as the patrol supervisor on the midnight shift and took over command of the scene upon his arrival. Sergeant Joyal parked the Bearcat where Officer Sawtelle’s cruiser had initially been, approximately 30 yards away from the RAV4 in the entrance to the lot where Mr. Husejnovic was located.

Once the Bearcat was positioned to provide protection for the responding officers, Officer Sawtelle took cover on the passenger side of the Bearcat, along with Officers Cooper and Megan. Sergeant Joyal originally took over communicating to Mr. Husejnovic via the Bearcat’s LRAD public announcement system which directs commands to precise locations and can be heard through closed windows. As the situation progressed, however, and Mr. Husejnovic refused to comply with instructions to exit his vehicle without his firearm, Sergeant Joyal decided to move to the turret of the Bearcat to gain a better vantage point of Mr. Husejnovic’s movements inside the RAV4. Sergeant O’Meara took over communicating with Mr. Husejnovic via the Bearcat’s Long

Range Acoustic Device (LRAD), continuing attempts to deescalate the situation and get Mr. Husejnovic to leave the RAV4 peacefully and unarmed.

At approximately 12:53 A.M., Mr. Husejnovic's father, Sedan Husejnovic, arrived on scene and spoke with officers. Officers told Mr. Husejnovic that they would let him speak with his father once he threw out the gun to disarm himself and walk away from the RAV4. Over the next approximately 20 minutes, Mr. Husejnovic opened and closed the door to his vehicle multiple times. At some point during this time, he threw his cell phone from the open door. At approximately 1:13 A.M., officers saw Mr. Husejnovic drinking from what appeared to be a bottle of alcohol.

At about 1:30 A.M., officers heard Mr. Husejnovic say he had a gun, and a short time later he said words to the effect that there would be a dead body and it would be on them, the officers. To the officers, this appeared to be a suicidal-type statement. Around the time of this statement, officers saw Mr. Husejnovic appear to "throw[]" something into his mouth, possibly pills or drugs².

At 1:38 A.M., Manchester Police Department SWAT personnel [arrived] at the scene. Around that time, NH State Trooper Tyler Duhamel arrived on scene with his K9. Pursuant to New Hampshire State Police policy, Trooper Brandon Tallon arrived with Trooper Duhamel to respond with Trooper Duhamel and his K9.

After Troopers Duhamel and Tallon arrived, and as Mr. Husejnovic's behavior became increasingly agitated and erratic, Sergeant Joyal developed a plan for the utilization of less-than-lethal force with the troopers and other officers. In essence, the

² Toxicological testing on Mr. Husejnovic's blood following the deadly-force incident documented the presence of a variety of controlled substances, including but not limited to clonazepam, methylphenidate (Ritalin), methadone, and their metabolites. Toxicological results are discussed further below in the context of Mr. Husejnovic's autopsy.

plan was to convince Mr. Husejnovic to exit his vehicle without his pistol and once he was far enough away from the vehicle, Sergeant Joyal would use a 40mm blunt impact projectile (BIP) launcher to stun Mr. Husejnovic momentarily. Trooper Duhamel would then deploy K9 Ivey to pull Mr. Husejnovic further from his vehicle and his firearm so he could be taken into custody by officers.

Sergeant Joyal first observed Mr. Husejnovic holding his firearm while he was seated inside his vehicle. Similarly, Officer Sawtelle described first seeing Mr. Husejnovic holding the firearm in his hand while he was seated inside the RAV4. He was pointing it at the ceiling of the vehicle.

Around 1:45 A.M., officers saw Mr. Husejnovic holding the black handgun in his left hand standing behind the passenger side door. He was telling the officers to shoot him. He then reentered the vehicle. Around that time, officers were told by commanding officers on scene not to close in on Mr. Husejnovic should he step out from the vehicle again.

At 1:54 A.M., officers saw Mr. Husejnovic holding a lighter. They could not determine where the handgun was at that point. While in the vehicle, Mr. Husejnovic then attempted to cover the windows using trash bags. Several minutes later, he exited the vehicle and threw the keys to the vehicle away before reentering it. For several more minutes, Mr. Husejnovic continued to open and slam the vehicle doors until 1:59 A.M. when officers saw him holding the handgun. Mr. Husejnovic originally was holding the gun by its muzzle, but eventually held it by its grip in a position to fire it.

At one point, Officer Sawtelle observed Mr. Husejnovic remove his shirt while inside his vehicle and point at his chest, seemingly indicating he wanted the officers to shoot him. He then put on a sweatshirt and baseball hat.

D. The Deadly Force Incident

The use of deadly force occurred at approximately 2:05 A.M. when Mr. Husejnovic aimed his gun at several police officers. Four officers with the Manchester Police Department and two troopers with New Hampshire State Police fired upon Mr. Husejnovic. These included Sergeant Eric Joyal, Officer Brendan Megan, Officer Jake Sawtelle, and Officer Eric Cooper of the Manchester Police Department and Trooper Tyler Duhamel and Trooper Brandon Tallon of the New Hampshire State Police. All of the officers agreed to voluntary interviews by investigators from the NH Attorney General's Office following the fatal shooting.³

Immediately before the officers opened fire, at 2:02 A.M., officers saw Mr. Husejnovic's finger on the trigger of the handgun, but he had not yet pointed it at the officers; the gun remained at his side. Officers could see at that time that Mr. Husejnovic was very intoxicated and agitated. He continued making statements referencing "suicide by cop," around 2:03 A.M.

Given these movements and statements by Mr. Husejnovic, Officer Sawtelle believed he would point the firearm at officers. Officer Sawtelle told the officers behind him of his belief. When he looked back, Mr. Husejnovic was pointing the gun through the passenger door window at the officers located on the passenger side of the Bearcat. One

³ Their accounts appear in detail below.

officer in the area of the Bearcat can be heard on a body camera recording saying out loud, “He’s pointing the gun at us.”

Multiple officers described hearing a “distinct pop” at this time and observed the window through which Mr. Husejnovic had pointed the gun shatter. Later investigation showed that from the description given by officers interviewed, the first gunshot likely came from Sergeant Joyal in the turret of the Bearcat. Following the first shot, the other officers opened fire at the window and door of the RAV4 where Mr. Husejnovic had been when he pointed his gun at the officers. Mr. Husejnovic then rolled or fell back into the front seat and center console area of his vehicle.

At the time of the shooting, the six (6) officers who fired their weapons were positioned as follows:

- Sergeant Joyal was in the turret of the Bearcat;
- Officers Sawtelle and Cooper were directly next to the Bearcat, near the front passenger side;
- Officer Megan was behind the open front passenger door of a Manchester Police Department cruiser positioned second from the right of the Bearcat; and
- Troopers Duhamel and Tallon were positioned behind the Manchester Police Department cruiser immediately to the right of the Bearcat, at the rear, passenger side corner.

Sergeant Joyal called out to cease fire after he fired approximately 5-6 rounds from his rifle. The officers then attempted to contact Mr. Husejnovic to have him call out to them, or crawl out of his vehicle to them as his full body and the gun he had been

pointing were not visible. Mr. Husejnovic was unresponsive, so the officers developed a plan for members of the Manchester Police Department SWAT team to slowly approach Mr. Husejnovic in his vehicle and assess the situation further. The Bearcat was slowly moved toward the RAV4 to provide cover to the SWAT team members that approached. Trooper Duhamel then deployed his K9, Ivey, to attempt to pull Mr. Husejnovic from the vehicle, but Ivey received no response from Mr. Husejnovic.

As the officers approached the RAV4, they observed a black pistol on the ground in shattered glass just outside the door of Mr. Husejnovic's vehicle. The pistol was consistent with the description given by Ms. Husejnovic, though it was found to be a Hi-Point brand .45 caliber pistol, rather than a Glock.

The officers pulled Mr. Husejnovic from the vehicle and checked his vitals once he was outside the vehicle. Mr. Husejnovic was dead.

No officers fired their weapons following Sergeant Joyal's cease fire order. The officers who had fired their weapons immediately left the perimeter line after the events described above and their weapons were surrendered for inspection in the investigation of the fatal shooting.

E. Witness Accounts

Numerous police officers and private citizens were interviewed as part of the investigation into the use of deadly force against Mr. Husejnovic by the police. Those interviewed included people who knew Mr. Husejnovic, as well as the officers who discharged their firearms at him.

Investigators separately interviewed Gina Husejnovic and Sedan Husejnovic, as well as five Manchester police officers immediately present when Mr. Husejnovic was

shot and killed: Sergeant Eric Joyal and Officers Eric Cooper, Brendan Megan, and Jake Sawtelle, all of whom discharged firearms at Mr. Husejnovic, and Sergeant Kevin O’Meara, who was present when the shooting occurred. Of the New Hampshire State Police, investigators separately interviewed Troopers Tyler Duhamel and Brandon Tallon, both of whom discharged firearms at Mr. Husejnovic.⁴ The account of events provided by these private citizen and police officer witnesses were consistent in material respects, have been recounted above, and will not be repeated. Below are additional details provided by each, relevant to the legal issue of justification.

1. Gina Husejnovic

In her interview, Ms. Husejnovic recounted the events that lead to her calling for police – those events are described above. Ms. Husejnovic also stated to investigators that Mr. Husejnovic may have used heroin prior to her calling police, though she did not see it. She did see him consume some alcoholic beverage, though she could not say when or how many. Ms. Husejnovic added that she had purchased Mr. Husejnovic’s gun for him approximately 8 years before the shooting, and that it had at some point been seized by Manchester Police Department. She stated it was returned to Mr. Husejnovic about two weeks before the shooting and would typically be stored unloaded in its holster in the backseat of the vehicle.

⁴Ms. Husejnovic was interviewed on June 19, 2022. Sergeant Joyal and Officers Megan and Sawtelle were interviewed on June 27, 2022. Officer Cooper was interviewed on July 1, 2022. Trooper Duhamel was interviewed on July 8, 2022. Trooper Tallon was interviewed on July 11, 2022. Sergeant O’Meara was interviewed on July 20, 2022.

2. Sergeant Eric Joyal

At the time of the shooting, Sergeant Eric Joyal had been a police officer for approximately twelve (12) years, all of which he had spent with the Manchester Police Department. Sergeant Joyal was promoted to the rank of sergeant in October 2021 and was the midnight shift patrol supervisor at the time of the shooting. Sergeant Joyal is a team leader on the Manchester SWAT Team Breaching Unit and an active member of the Crisis Intervention Team. In addition to completing the annual firearms qualifications course with Manchester Police Department, Sergeant Joyal participates in additional firearms training every month as a member of the SWAT Team. This additional firearms training includes the use of the 40mm blunt impact projectile launcher (BIP gun), a less-than-lethal force tool which fires a 40mm collapsible gel round designed to temporarily stun and distract a non-compliant subject.

Sergeant Joyal regularly carries two department issued firearms: a 9mm Sig Sauer P320 pistol with a red dot sight, and a .223 caliber AR-15 SWAT Team rifle equipped with a red dot sight, flashlight, and laser sighting system.

When Sergeant Joyal arrived at the parking lot off Terrytown Road, he positioned the Bearcat in the entrance to the lot where Mr. Husejnovic was located to provide cover for officers. He was then briefed on the information Ms. Husejnovic had given police regarding the alleged assault and Mr. Husejnovic's firearm and took over communicating with Mr. Husejnovic over the Bearcat's LRAD system. During the time Sergeant Joyal communicated with Mr. Husejnovic, he instructed Mr. Husejnovic to disarm and exit the vehicle so the police could hear his side of the story. Mr. Husejnovic would not comply with Sergeant Joyal's instructions.

In addition to what Ms. Husejnovic had described of the assaults prior to police arriving on scene, Sergeant Joyal observed the following behavior of Mr. Husejnovic:

- Animated motions reaching around and waving his arms while inside his vehicle;
- Yelling and ignoring commands to exit the vehicle;
- Opening the passenger car door, yelling incoherently at the police, and slamming the door shut repeatedly;
- Ripping off his shirt while yelling and screaming within the vehicle;
- Attempting to cover the windows of the vehicle with garbage bags;
- Appearing to drink an alcoholic beverage;
- Appearing to consume pills by putting them in his mouth, though he could not see if the items were in fact pills; and
- Throwing objects from the vehicle, including: a shoe, a cell phone, and a box of ammunition.

After developing the less-than-lethal force plan described above and awaiting the opportunity to implement the plan, Sergeant Joyal observed Mr. Husejnovic put a jacket or covering on. He then leaned back in the passenger seat and appeared to be tucking something in the waistband of his pants. Mr. Husejnovic then exited his vehicle and flashed what Sergeant Joyal observed to be a black semi-automatic pistol in the waistband of his pants at the officers. At that time, Sergeant Joyal repositioned himself to the turret of the Bearcat and Sergeant O'Meara took over communicating instructions to Mr. Husejnovic via the Bearcat's LRAD system.

Once in the turret, Sergeant Joyal observed Mr. Husejnovic continuing similar behavior, but escalating. Mr. Husejnovic was now holding the firearm in his hand, transferring from one hand to the other and waving it in different directions. Eventually, Sergeant Joyal observed Mr. Husejnovic with his finger on the trigger of the firearm. Mr. Husejnovic continued to ignore Sergeant O'Meara's instructions to disarm.

Finally, when the passenger door of the vehicle was partially open, Mr. Husejnovic waved his hand as though saying "goodbye" and pointed the firearm at the officers through the door window. Sergeant Joyal fired 5-6 rounds at Mr. Husejnovic. Sergeant Joyal yelled cease fire, ordering the other officers who had opened fire to stop as he no longer deemed Mr. Husejnovic a threat.

3. Sergeant Kevin O'Meara

At the time of the shooting, Sergeant Kevin O'Meara had been a police officer for approximately 17 years, 8 of which he had spent with the Manchester Police Department. He had been promoted to the rank of sergeant approximately one year prior to the shooting and was assigned as a supervisor in the Juvenile/Domestic Division. He had received additional training as a firearms instructor and on the crisis intervention team.

Sergeant O'Meara arrived on the scene at approximately 12:30 a.m. and saw that the first responding officers had set a perimeter about 30-40 yards away from Mr. Husejnovic's vehicle in the rear Rite Aid parking lot. Based on his observations of the situation, including the information alleged by Ms. Husejnovic and Mr. Husejnovic refusing to follow the officers' instructions, Sergeant O'Meara requested the Manchester Police Department Bearcat respond to the scene. Once Sergeant Joyal arrived with the

Bearcat, he took over command of the scene due to his SWAT Team experience and Sergeant O'Meara assumed the role of negotiator using the Bearcat's LRAD.

Throughout the incident, Sergeant O'Meara's instructions to Mr. Husejnovic focused on attempting to have Mr. Husejnovic speak with police on the phone, disarm, and exit his vehicle. Sergeant O'Meara's objective in communicating with Mr. Husejnovic was to remain positive, to get him to put the firearm down and safely exit his vehicle. The sergeant continuously tried to assure Mr. Husejnovic that he just wanted to talk and get him help. For over an hour, Mr. Husejnovic refused to comply with the instructions.

Throughout the incident, Sergeant O'Meara made the following observations of Mr. Husejnovic's behavior:

- While sitting in the front passenger seat of his vehicle, Mr. Husejnovic would sporadically open the door, yell inaudibly, and randomly throw objects from the vehicle – a bottle, cell phone, and other small items;
- His demeanor became more aggressive as he jumped in and out of the vehicle, slamming the door;
- He appeared to be drinking alcohol, putting something in his mouth, or snorting something through his nose; and
- He attempted to cover the passenger door window with an object which would not stay in place.

Eventually, Sergeant O'Meara saw Mr. Husejnovic holding a black pistol in his hand, transferring it between his hands and at one time holding it by the muzzle. Mr. Husejnovic eventually had the pistol in his right hand with the passenger door partially

open. Sergeant O'Meara saw Mr. Husejnovic wave "goodbye" with his left hand and point the pistol at the officers. Sergeant O'Meara then heard officers fire their weapons at Mr. Husejnovic.

4. Officer Eric Cooper

At the time of the shooting, Officer Eric Cooper had been a police officer with the Manchester Police Department for approximately four years. At the time, he was assigned as a patrol officer on the midnight shift.

Officer Cooper arrived at the scene after Sergeant O'Meara. He positioned his cruiser at the intersection of Tarrytown Road and Massabesic Street to block traffic from entering Tarrytown Road. Once the Bearcat was on the scene, Officer Cooper was assigned as lethal cover on the passenger side of the Bearcat, along with Officer Sawtelle.

Throughout the incident, Officer Cooper observed the following behaviors from Mr. Husejnovic:

- Drinking alcohol from a large plastic bottle that was eventually thrown from the vehicle;
- Movements similar to snorting narcotics by bringing his hands up to his nose;
- Right hand and shoulder movements that appeared to be Mr. Husejnovic loading a handgun magazine;
- Throwing a box of ammunition from the vehicle;
- Extremely agitated, opening and closing the vehicle door while yelling; and
- Getting in and out of the vehicle while yelling;

Officer Cooper explained that after observing the above behavior, and seeing Mr. Husejnovic point his firearm towards police positioned at the Bearcat, including himself, he determined Mr. Husejnovic was a threat to discharge his firearm at the officers. He then decided to fire his weapon at Mr. Husejnovic to stop the threat.

5. Officer Brendan Megan

At the time of the shooting, Officer Brendan Megan had been a police officer with the Manchester Police Department for approximately one year. At the time, he was assigned as a patrol officer on the midnight shift.

Officer Megan arrived on scene shortly after Officer Sawtelle and located Mr. Husejnovic in the front passenger seat of his vehicle. Throughout the incident, Officer Megan observed the following behavior of Mr. Husejnovic:

- He appeared annoyed and frustrated with the police presence;
- He did not acknowledge any police officer's instructions;
- He threw his phone from his vehicle;
- He was drinking from a bottle before throwing the bottle from his vehicle;
- He threw a shoe from the vehicle;
- He threw what appeared to be pills from the vehicle;
- He attempted to cover the windows of the vehicle with a trash bag; and
- He took his shirt off while inside the vehicle.

After seeing Mr. Husejnovic possess and display his firearm throughout the incident, Officer Megan saw him point the pistol directly through the front passenger door window of his vehicle at the police. Officer Megan, positioned with his rifle on the passenger door of a cruiser facing Mr. Husejnovic, decided to fire his rifle. His decision

was based on all of his observations of Mr. Husejnovic's behavior to that point, his direct action of pointing his firearm at officers positioned at the Bearcat, that Mr. Husejnovic presented an imminent threat of deadly force, and that he needed to fire his weapon to stop Mr. Husejnovic.

Officer Megan had refocused his rifle and deactivated the safety when he heard the first shot come from the area of the Bearcat turret – up and to Officer Megan's left. Officer Megan believed the first shot came from Sergeant Joyal as the sergeant was positioned in the turret at the time. Officer Megan fired four shots until Sergeant Joyal ordered a cease fire. Officer Megan remained in position until SWAT was approaching Mr. Husejnovic in his vehicle, at which time he lowered his rifle and activated the safety once again.

6. Officer Jake Sawtelle

At the time of the shooting, Officer Jake Sawtelle had been a police officer for approximately seven years, the first four of which were spent with the Burlington, Vermont Police Department. He joined the Manchester Police Department in 2019 and was assigned as a patrol officer working the midnight shift. In addition to his duties as an officer in Burlington, Officer Sawtelle also was trained as a member of the Emergency Response Unit and was an instructor for Active Shooter and De-escalation training.

Officer Sawtelle was the first to arrive on the scene and observed Ms. Husejnovic outside the RAV4, and Mr. Husejnovic in the front passenger seat of the vehicle. After the Bearcat arrived on scene, Officer Sawtelle positioned himself on the passenger side of the Bearcat for the duration of the event. Throughout the incident, Officer Sawtelle

observed much of the same erratic, escalating behavior as other officers described.

Specifically, he observed Mr. Husejnovic:

- Angry and yelling on the phone;
- Flailing his arms inside the vehicle;
- Occasionally opening the vehicle door to throw random objects – a shoe, cell phone and box of ammunition;
- Never fully exit the vehicle, only partially open the door, place one foot out, then quickly reenter;
- Reaching around the vehicle to areas where Ms. Husejnovic told officers Mr. Husejnovic's firearm may be kept;
- Shoulder movements that, based on Officer Sawtelle's experience, appeared to be Mr. Husejnovic loading a firearm magazine;
- Slamming a butane lighter against the window;
- Drinking from an unknown bottle; and
- Exiting and reentering the vehicle approximately 20-25 times throughout.

After initially seeing Mr. Husejnovic holding his firearm, Officer Sawtelle observed that the firearm never left his possession. For some time, though Mr. Husejnovic did not point the gun at officers, he did “flagrantly wave it around” and transition it from one hand to the other, sometimes holding it by the muzzle.

Eventually, Officer Sawtelle saw Mr. Husejnovic remove his shirt while inside the vehicle and point at his chest as though indicating that he wanted to be shot. Officer Sawtelle informed the officers behind him that he believed, based on the escalating

behavior, Mr. Husejnovic was going to point his firearm at the officers. When he looked back at Mr. Husejnovic, Officer Sawtelle saw him pointing his firearm at the officers on the passenger side of the Bearcat through the window of the passenger door. Officer Sawtelle heard a “distinct pop” and saw the window shatter in front of Mr. Husejnovic. He believed Mr. Husejnovic had fired his gun.

Officer Sawtelle fired 2-3 shots at the window area, paused and reassessed, then fired 5-7 more shots when it appeared to him that Mr. Husejnovic was reestablishing a fighting position. Officer Sawtelle stopped shooting when the airbag in the RAV4 exploded, and was pulled off the line after.

7. Trooper Tyler Duhamel

At the time of the shooting, Trooper Tyler Duhamel had been a police officer for approximately eight years, all of which was spent as a New Hampshire State Police trooper. In addition to his standard duties as a state trooper, Trooper Duhamel was also a dual certified K9 handler for both patrol and narcotics detection use.

Trooper Duhamel arrived on the scene about 30 minutes before any shots were fired. During that time, he met with Sergeant Joyal to develop a less-than-lethal force plan and then positioned himself at the rear right bumper of the cruiser to the right of the Bearcat with his K9, Ivey. Throughout the incident, Trooper Duhamel made the following observations of the scene and of Mr. Husejnovic’s behavior:

- Mr. Husejnovic was shirtless, erratically opening and closing his vehicle door;

- Several Manchester police officers were positioned on both sides of the Bearcat, with additional officers taking cover behind cruisers at the perimeter of the scene;
- Manchester officers were giving loud, repetitive commands from the Bearcat instructing Mr. Husejnovic to exit the vehicle without his weapon, continuously advising him that they only wanted to talk and would not hurt him; and
- Mr. Husejnovic was agitated and yelling inaudibly, and erratically exiting and reentering the vehicle.

Just before Trooper Duhamel fired his weapon, he saw Mr. Husejnovic open his vehicle door, raise his right arm, and point his firearm at the Bearcat and the officers positioned in that area. Trooper Duhamel started drawing his pistol and heard a single shot go off, followed by several shots. Having seen Mr. Husejnovic raise his arm, he believed Mr. Husejnovic had fired his weapon.

Trooper Duhamel flinched in response to the first shots, but then fired one shot from his pistol believing it was necessary to react to the deadly threat posed by Mr. Husejnovic. The trooper ceased firing and reassessed the need to fire as he could no longer see Mr. Husejnovic. Trooper Duhamel learned Mr. Husejnovic was unresponsive, laying across the front seats of the vehicle.

At Manchester police request, Trooper Duhamel deployed his K9, Ivey, to attempt to pull Mr. Husejnovic from the vehicle, though this was unsuccessful.

8. Trooper Brandon Tallon

At the time of the shooting, Trooper Brandon Tallon had been a police officer for about five years in total, the last four of which he was a New Hampshire State Police trooper assigned to the midnight shift at Troop B. In addition to his standard duties as a trooper, Trooper Tallon was also a member of the New Hampshire State Police SWAT team.

Trooper Tallon responded to the scene on Tarrytown Road assigned to provide lethal cover to K9 Trooper Duhamel pursuant to New Hampshire State Police policy. Trooper Tallon took up position behind the same cruiser as Trooper Duhamel and made many of the same observations of the situation throughout. He recalled at one point hearing from other officers that Mr. Husejnovic's finger was on the trigger of his firearm which "heightened [his] alarm a little bit," and made Mr. Husejnovic an imminent threat. Soon after, Trooper Tallon saw Mr. Husejnovic point his pistol in his and the Bearcat's general direction, and he immediately thought Mr. Husejnovic was going to shoot at the officers.

Trooper Tallon then heard one "distinct first shot, then a large volley of shots go off." Trooper Tallon first reacted by ducking briefly behind the cruiser. He then believed Mr. Husejnovic was actively shooting at the police and saw him getting back into his vehicle. Trooper Tallon then fired two shots to incapacitate the threat posed by Mr. Husejnovic. He paused to assess the situation and then heard Sergeant Joyal order a cease fire.

Trooper Tallon assisted Trooper Duhamel in deploying his K9 after the shooting and did not see any movement from Mr. Husejnovic.

F. Prior History / Contact with Manchester Police Department

According to Ms. Husejnovic, Mr. Husejnovic had anger issues and struggled with substance and alcohol abuse. Prior contacts with Mr. Husejnovic by Manchester officers, as well as his criminal conviction record, confirmed both issues. Mr. Husejnovic's prior criminal record and interactions with law enforcement were reviewed in order to gain information relevant to his actions, motives, and state of mind at the time of the incident.

Since 2010 Mr. Husejnovic had at least 34 documented contacts with Manchester Police Department officers or personnel. Five of those involved officers being called for service when Mr. Husejnovic had overdosed. Thirteen of those involved officers responding to varying degrees of domestic incidents involving Mr. Husejnovic and his wife. In most of these incidents, Mr. Husejnovic was alleged to be the primary aggressor, and to have assaulted Ms. Husejnovic. Several more contacts with police during this timeframe also involved assaultive or violent behavior by Mr. Husejnovic. Not all contacts with Manchester police resulted in Mr. Husejnovic being arrested or charged. He did, however, have a lengthy criminal conviction record documenting much of the same or similar behavior, including multiple convictions for simple assault – domestic violence related, stalking – domestic violence related, and resisting arrest or detention.

G. Video Evidence

No surveillance cameras in the area of the parking lot off Tarrytown Road captured the fatal shooting between Mr. Husejnovic and the police. However, a substantial amount of footage and audio was available from the body-worn cameras (BWC) of all the officers who responded to the incident, as well as dash camera footage

from inside the Manchester Police Department Bearcat. Although a substantial amount of footage was available, due to significant rain and wind occurring throughout the incident, the footage and audio are obscured from time to time due to the weather.

The only footage to directly capture Mr. Husejnovic and his actions throughout the incident was the Bearcat dash camera, which is at times partially obscured by rain on the windshield. In that footage, Mr. Husejnovic can be seen engaging in the actions observed by law enforcement at the scene and described in detail above, i.e. getting in and out of the vehicle, yelling and pointing at the officers, and refusing to comply with orders given by police. Just prior to the shooting, Mr. Husejnovic can be seen opening his vehicle door, closing the door, then opening it again in quick succession. While still seated in the vehicle and with the door partially open, Mr. Husejnovic appears to then wave goodbye with his left hand, though the quality of the footage makes it difficult to discern. The movements that can be seen in the footage are, however, consistent with officers' descriptions of seeing Mr. Husejnovic wave goodbye and then point his gun at them through the window of the door.

Due to the positioning of the officers, no BWC footage depicts Mr. Husejnovic at the time of the shooting. However, several officers' BWC captured audio of the event. Significantly, in Officers Jake Sawtelle and Eric Cooper's BWC footage, Sergeant O'Meara can be heard over the LRAD just prior to shots being fired saying, "Adnan, please step out of the vehicle. Leave the gun..." Two officers can then be heard saying, "He's pointing the gun at us," and "Hey, he's pointing..." Shots were then fired and ceased after Sergeant Joyal issued the cease fire command. His command can also be clearly heard in the footage available.

H. Physical Evidence

Investigators processed the scene of the encounter between Mr. Husejnovic and the police. In total, investigators recovered sixteen (16) REM FC .223 casings, one (1) REM FC .223 live round, two (2) Winchester .223 REM casings, one (1) Winchester .45 auto casing, and six (6) REM FC 19 .223 casings.

Following the shooting, the six officers who fired at Mr. Husejnovic surrendered their weapons used for examination by investigators. Sergeant Joyal fired his Sig Sauer MX multi-caliber rifle and stated in his interview with investigators that he fired 5-6 rounds. Investigators found one round remaining in the chamber of the rifle, and 20 REM FC .223 rounds remaining in the 30-round capacity magazine used in the shooting.

Officer Cooper used his Sig Sauer M400 .223 rifle and stated in his interview that he fired two shots at Mr. Husejnovic. Investigators found one round remaining in the chamber of the rifle, and 26 REM FC .223 rounds remaining in the 30-round capacity magazine Officer Cooper used in the shooting.

Officer Megan used his Sig Sauer M400 .223 rifle and stated in his interview that he fired four shots at Mr. Husejnovic. Investigators found one round remaining in the chamber of the rifle, and 21 REM FC 19 .223 rounds remaining in the 30-round capacity magazine he used in the shooting.

Officer Sawtelle used his Sig Sauer M400 .223 rifle and stated in his interview that he fired 2-3 rounds at the window of Mr. Husejnovic's car, and 5-7 rounds at the door, totaling approximately 7-10 rounds. Investigators found one round remaining in the chamber of Officer Sawtelle's rifle, and nineteen(19) REM FC .223 rounds remaining in the 30-round capacity magazine he used in the shooting.

Trooper Duhamel used his Smith and Wesson M&P 2.0 .45 caliber pistol and stated in his interview that he fired one shot at Mr. Husejnovic. Investigators found one round remaining in the chamber of Trooper Duhamel's pistol, and 9 rounds remaining in the 10-round capacity magazine.

Trooper Tallon fired his Sig Sauer M400 .223 rifle and stated in his interview that he fired two shots at Mr. Husejnovic. Investigators found one round remaining in the chamber of Trooper Tallon's rifle, and 26 REM FC .223 rounds remaining in the 30-round capacity magazine he used in the shooting.

Investigators recovered Mr. Husejnovic's firearm from the ground just outside the door to his vehicle where he had been shot. The pistol was a HI-POINT Firearms model JHP .45 ACP Pistol, Serial #4266775 and the magazine had a 12 round capacity. There was one round of ammunition in the chamber and eight rounds remaining in the magazine. The handgun's safety switch was off, i.e. the handgun was ready to fire. Also recovered at the scene was the box of ammunition Mr. Husejnovic threw from his vehicle during the encounter with police. The box contained 39 rounds in a 50 Winchester .45 caliber automatic box.

Investigators also found ballistic defects in two Manchester Police Department cruisers. The first, MP 634 77, was parked on Tarrytown Road behind Mr. Husejnovic's vehicle from where police fired at Mr. Husejnovic. No officers were inside the vehicle at the time of the shooting. Investigators found a ricochet defect (Defect A) to the driver's side of the front windshield. The direction of the defect was from the front to the back of the cruiser.

The second cruiser with a defect was MP 634 79, which was positioned next to the Bearcat at the time of the shooting. This was the cruiser behind which Troopers Duhamel and Tallon were positioned. Investigators found a perforating defect (Defect B) on the rear-passenger's side of the cruiser on the panel above the wheel well. Defect B was an entrance defect with a leading edge and direction from back to front of the cruiser. A corresponding defect (Defect B1) was found on the inside of the rear-passenger's side door. The bullet that created these defects entered at Defect B and fragmented after exiting Defect B1. Bullet fragments were collected from in the rear-passenger door.

I. Autopsy Results

Chief Medical Examiner Jennie Duval conducted an autopsy on Adnan Husejnovic on June 20, 2022. Mr. Husejnovic sustained approximately 18 separate gunshot wounds – 12 entrance wounds and 6 exit wounds, located as follows:

- Right upper neck – entrance;
- Left lower neck – entrance;
- Left back – exit;
- Right back – entrance;
- Right back shoulder – entrance;
- Right upper back – exit;
- Left upper arm – entrance;
- Left hand – entrance;
- Right upper arm – entrance (3) and exit (2);
- Right forearm – entrance (2) and exit (2); and
- Right thigh – entrance.

Other injuries to Mr. Husejnovic were noted: graze/tangential wounds to the scalp, abrasions/superficial penetrating wounds to forehead, laceration to the upper lip, abrasions/superficial penetrating wounds to the right clavicle, and abrasions to the front and back of the torso.

Toxicology testing revealed the presence of clonazepam metabolite, methadone and methadone metabolite, methylphenidate and methylphenidate metabolite, cannabinoids, methamphetamine and methamphetamine metabolite, and fentanyl and fentanyl metabolite. Dr. Duval found that these drugs were present in Mr. Husejnovic's blood at levels that would result in acute intoxication.

Mr. Husejnovic's death was determined to be a homicide, with his cause of death being multiple gunshot wounds. As used by the Office of the Chief Medical Examiner, the term "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 all set forth in RSA Chapter 627.

Specifically, the use of deadly force by an actor—whether law enforcement officer or private citizen—is justified under the law only when the actor reasonably believes that such force is necessary to defend the actor or a third person from what is reasonably believed to be the imminent use of deadly force against the actor or a third person. *See* RSA 627:5, II(a) (pertaining to law enforcement officers). 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—again, whether private citizen or law enforcement officer—“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).

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 use of force cases in this state, whether by members of law enforcement or by private citizens. 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 that those using force within the possible ambit of Chapter 627 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 both private citizen and law enforcement deadly force in this case.

V. ANALYSIS AND CONCLUSION

Based on all the facts and circumstances of this case, the Attorney General has concluded that Sergeant Eric Joyal, Officers Jake Sawtelle, Eric Cooper and Brendan Megan, and Troopers Tyler Duhamel and Brandon Tallon, were each legally justified when they used deadly force against Adnan Husejnovic.

When the police arrived at the back parking lot of the Rite Aid off Tarrytown Road, they were faced with a domestic violence/assault situation where the suspect – Mr. Husejnovic – was known to possess a firearm and alleged to have used the firearm to assault his wife, by using it as a blunt force object.

En route and on scene, police were notified Mr. Husejnovic possessed a black .45 caliber handgun and he typically kept it in the driver's seat pouch of his vehicle, in the center console of the vehicle, or in his waistband. They were also informed of Mr. Husejnovic's prior police contacts and involvement with gangs, drugs, firearms, and violent felonies. Once on scene, officers made contact with Ms. Husejnovic who restated what she had reported initially to 911 in addition to providing more information about Mr. Husejnovic's firearm. They also located Mr. Husejnovic in his vehicle, already refusing to comply with the officer's instructions to exit the vehicle and speak with them.

The report that Mr. Husejnovic possessed a black handgun was confirmed once officers saw Mr. Husejnovic reaching within the vehicle to the areas Ms. Husejnovic had described to officers as where he kept the handgun, and then once officers saw Mr. Husejnovic holding the handgun in his left hand within the vehicle. That Mr. Husejnovic was armed with the black handgun was made all the more clear throughout the incident when he repeatedly exited his vehicle holding the gun, displaying it in his waistband, or

waving it around. It could also be surmised that the handgun was loaded by multiple officers' observations of shoulder and arm movements appearing to be Mr. Husejnovic loading a gun magazine, and by Mr. Husejnovic eventually throwing an ammunition box from the vehicle. This conclusion – that the handgun was likely loaded given the officers' observations – proved to be correct when the handgun was found with a live round in the chamber, eight more rounds in the magazine, and the handgun in a condition that was ready to fire.

Immediately upon their arrival at the scene, police officers attempted to contact Mr. Husejnovic to peacefully resolve the ongoing incident. The first responding officers began by using a loudspeaker in one of their cruisers to instruct Mr. Husejnovic to exit the vehicle and speak with them. After the Bearcat arrived, Sergeants Joyal and O'Meara maintained nearly constant communication with Mr. Husejnovic via the Bearcat's LRAD system, which he would have been able to hear even inside the closed vehicle. Sergeant O'Meara's communications were purposely positive in nature, assuring Mr. Husejnovic that the police did not want to hurt him, only speak with and help him. Once Mr. Husejnovic's father was at the scene, the police even offered to let Mr. Husejnovic speak with him if he would disarm and exit the vehicle to speak with police first. For approximately one and a half hours, the police made overtures to Mr. Husejnovic to peacefully end the situation. Throughout that time, not only did Mr. Husejnovic consistently refuse to follow the police's instructions, he escalated the situation by first arming himself and then progressively flashing and displaying his firearm until he finally opened his car door and pointed the handgun at officers in the area of the Bearcat. He also made at least two statements indicating his wish to die at the hands of the police.

The dangerous situation faced by responding officers reached its peak when Mr. Husejnovic pointed his firearm at the officer positioned at the Bearcat. Mr. Husejnovic's initial threat of the imminent use of deadly force against the police, and their subsequent responsive deadly force, is established not only by the consistent account of events provided by the police officers present, but also from the available police digital evidence. Although video footage of the encounter was only captured by the Bearcat's dashboard camera – which depicted the scene at a distance and through a rain covered windshield – contemporaneous audio recordings provide a full audible narrative of the events. That available objective record included the officers' observations of Mr. Husejnovic's escalating behavior, including the moment officers saw Mr. Husejnovic point his handgun at the officers and the police firing on him in response.

When he raised his handgun and pointed it at police officers after one and a half hours of escalating behavior, Mr. Husejnovic's use of deadly force, which was not justified under the law, became imminent. At that time, it was reasonable for the six officers – four Manchester Police officers and two New Hampshire State Police troopers, from their individual perspectives, to believe, as expressed in each of their later interviews, that Mr. Husejnovic was placing either themselves or nearby officers in deadly peril. The situation created by Mr. Husejnovic authorized an immediate response under the law, in order to eliminate the active and ongoing threat to life.

Also, the use of deadly force by law enforcement was reasonable in relation to the existing threat of deadly force faced from Mr. Husejnovic. Although the majority of officers who shot at Mr. Husejnovic fired multiple times, they stopped either upon no longer being able to see Mr. Husejnovic or movement from him, or hearing Sergeant

Joyal's order for a cease fire. Even to the officers who could no longer see Mr. Husejnovic, it had appeared to them that he may have been moving to the interior of his vehicle to reposition for a continued confrontation. However, once Sergeant Joyal gave the order for cease fire, no officer fired his weapon at Mr. Husejnovic or his vehicle.

The available video evidence from the Bearcat dashboard camera and audio evidence establishes that police gunfire began and ended only in a matter of approximately five seconds from when Mr. Husejnovic pointed his gun at the officers.

For all these reasons, Sergeant Eric Joyal, Officer Jake Sawtelle, Officer Brendan Megan, and Officer Eric Cooper of the Manchester Police Department, and Trooper Tyler Duhamel and Trooper Brandon Tallon of the New Hampshire State Police each was legally justified in using deadly force against Mr. Husejnovic in their armed encounter with him. Accordingly, no criminal charges will be filed against any of these individuals as a result of Mr. Husejnovic's death.