

**ATTORNEY GENERAL'S REPORT REGARDING THE
JUNE 14, 2021 OFFICER-INVOLVED SHOOTING
IN PITTSFIELD, NEW HAMPSHIRE**

I. INTRODUCTION

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a fatal police officer use of deadly force incident that occurred outside of a residence in Pittsfield, New Hampshire on June 14, 2021, in which Anthony Hannon (age 52) was shot and killed. During that incident, three police officers fired at Mr. Hannon with less-than-lethal projectiles, and closely thereafter six other police officers fired bullets at Mr. Hannon. 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. Hannon.¹ 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 and videos of the incident taken by a private citizen, recorded witness interviews and written witness statements, and numerous official reports generated during the course of 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 responsibility to

¹ From available forensic evidence, it is unknown which of the six officers who fired bullets at Mr. Hannon actually struck him. That being said, under the law all six used deadly force against Mr. Hannon, and thus they are all 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. Moreover, the discharge of the less-than-lethal shots at Mr. Hannon constitutes deadly force. Although those projectiles are designed and utilized not to cause death, each was “fire[d from] a firearm” and is “capable of causing serious bodily injury or death.”

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 officer-involved use of deadly force incidents 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 police officer use of deadly force against Anthony Hannon on June 14, 2021, was legally justified.

II. SUMMARY OF THE FACTS

On the evening of June 13, 2021, a family member of Pittsfield resident Anthony Hannon made an in-person report to the Pittsfield Police Department alleging past sexual assaults committed against her by Mr. Hannon. Early the following morning, while the police were investigating that complaint, the police were notified that Mr. Hannon had been informed of the complaint, and had armed himself with a gun and would not allow family members to leave their house.

At about 3:00 a.m. on June 14, the police were able to contact Anthony Hannon by cellphone. Over the ensuing hours, members of the Pittsfield Police Department were in regular contact with Mr. Hannon, attempting to secure his peaceful surrender. Mr. Hannon confirmed that he had a loaded pistol, and made explicit and repeated threats that he would kill himself. Mr. Hannon also repeatedly discussed creating a situation in which police officers would shoot and kill him. Mr. Hannon refused either to disarm or to surrender. During Mr. Hannon's discussions with the police, his family members were able to escape from the house. Also during that time, a specialized tactical unit was called out to respond to the ongoing crisis.

At about 7:15 a.m. on June 14, tactical officers began arriving outside Anthony Hannon's house. No attempts were made to enter the house, or to subdue Mr. Hannon. Instead, officers, some of whom were equipped with firearms that discharged less-than-lethal projectiles, set up immediately outside the house. Members of a crisis negotiation team made contact with Mr. Hannon by phone and resumed efforts to secure his peaceful exit from the residence. Those efforts continued, unsuccessfully, over the following seven hours. During that period, in which Mr. Hannon was in almost constant communication with the police, he repeatedly advised the police that he was armed with a loaded pistol and threatened to kill himself or force the police to shoot and kill him.

At about 1:20 p.m., Anthony Hannon without warning left his house, holding up to his head a pistol that he announced was loaded and ready to fire. For the following approximately forty minutes, Mr. Hannon remained outside, pistol at his head. Mr. Hannon called out to tactical officers stationed nearby, imploring them to shoot him.

At about 2:00 p.m., Anthony Hannon lowered his pistol from his head, appearing to switch the weapon from one hand to another. Pursuant to a previously-arranged plan to attempt to disarm Mr. Hannon and end the armed standoff, three tactical officers separately and nearly simultaneously fired less-than-lethal projectiles at him. Mr. Hannon did not drop his pistol, and instead pointed it towards nearby police officers and fired at them. In response, six tactical officers separately fired lethal firearms at Mr. Hannon. Mr. Hannon was shot and killed during his exchange of gunfire with the police. Nobody else was injured.

The six tactical officers who fired bullets at Anthony Hannon shot as many as forty-nine times. Mr. Hannon was struck nine times. The gun that Mr. Hannon held and fired at nearby officers was a semiautomatic pistol. Three discharged bullet casings were found near the pistol,

which indicated that Mr. Hannon had fired his gun at least three times. That pistol was loaded with nine additional and unfired bullets.

III. THE INVESTIGATION

A. The Shooting

On the evening of June 13, 2021, an adult female made an in-person report to the Pittsfield Police Department of sexual assault committed against her in her childhood. The complainant detailed specifics of the reported crime, and identified the perpetrator as a family member, Anthony Hannon. Another family member who accompanied the complainant reported similar past sexual abuse committed by Mr. Hannon against her as well. Over the following hours, into the early morning of June 14, members of the Pittsfield Police Department investigated the sexual assault complaint. The complainant was interviewed, and based upon information that she gave, the police planned to conduct further investigation later in the morning.

At the time, Anthony Hannon lived at 40 Lyford Hill Road in Pittsfield. 40 Lyford Hill Road is a two-unit multifamily home located in a residential neighborhood, and numerous other houses are in the immediate vicinity. On the evening of June 13, Mr. Hannon was at the residence with his fiancée and their two children, a thirteen-year-old and an eight-year-old.

At about 11:00 p.m. on June 13, the sexual assault complainant contacted Anthony Hannon's fiancée, in substance telling her—incorrectly—that the police were responding to the residence in connection with that complaint. The fiancée in turn notified Mr. Hannon. Another family member also called Mr. Hannon directly, and repeated to him in substance—again, incorrectly—that the police were en route.

In response, Anthony Hannon became visibly upset and agitated, and began drinking heavily.² Mr. Hannon repeatedly told his fiancée that he would not be leaving the house alive. Mr. Hannon explicitly and repeatedly threatened to take his own life. Mr. Hannon also explicitly and repeatedly stated that, instead of shooting himself, he would have the police shoot and kill him. Mr. Hannon's fiancée tried to calm him down, but his threats continued unabated while he awaited what he believed—incorrectly—to be the arrival of the police to his home.

Also while waiting for the police, Anthony Hannon armed himself with a .40 caliber semiautomatic pistol that he had in the house. At times inside the house Mr. Hannon brandished and gestured with the pistol, and at other times he carried the gun in a holster affixed to his waistband. Mr. Hannon also gathered extra ammunition. Mr. Hannon went around the house drawing shades, turning off lights, and locking doors. He opened some windows, in order to dissipate any smoke or gas that he anticipated the police might discharge into the house in order to force his exit. Mr. Hannon's fiancée pleaded with him to let her and the two children leave the house, but he refused to allow them to do so. The fiancée alerted another family member by cellphone that Mr. Hannon was armed with a gun and would not let her leave the house.

At about 2:15 a.m. on June 14, that family member, in turn, notified the Pittsfield Police Department. In response, a police officer called Anthony Hannon's fiancée. She informed the police in substance that Mr. Hannon would not let her leave until she gave him a final kiss goodbye, after which he planned to kill himself. The fiancée also relayed that even if she could leave the house, the children could not and she would not leave them behind.

² Although, as noted later, toxicology testing of a sample of Mr. Hannon's postmortem blood detected no alcohol, his fiancée recalled that he stopped drinking at about 4:00 a.m. on June 14. That was nearly half a day before Mr. Hannon was shot and killed, time during which alcohol would have dissipated from his bloodstream.

The police officer then spoke directly with Anthony Hannon by phone, for about an hour. During that time, Mr. Hannon repeatedly talked about wanting to die. Mr. Hannon stated that he would either kill himself, or die by what he called “suicide by cop.”³ At one point, Mr. Hannon indicated that he wanted to speak with Sergeant Jacob Nance of the Pittsfield Police.⁴ The police complied, and connected him by phone to Sergeant Nance. Those two spoke by phone beginning at about 3:00 a.m. on June 14. Sergeant Nance recalled that Mr. Hannon sounded intoxicated and agitated while the two spoke.

During Anthony Hannon’s initial phone contact with Sergeant Nance, Mr. Hannon continued to repeatedly and bluntly state that he wanted to die. Mr. Hannon told Sergeant Nance that he (Mr. Hannon) was armed with a loaded pistol and had extra ammunition for the gun. Mr. Hannon also relayed to Sergeant Nance several times that if the police tried to enter his house he would kill himself, and again also repeatedly spoke about dying by “suicide by cop.” Mr. Hannon professed that his fiancée and children were not in danger and that he did not want to hurt them, but stated his intent to kill himself when the children left for school later that morning. Sergeant Nance tried to convince Mr. Hannon to disarm and leave his house, but he refused to do so.⁵

³ “Suicide by cop” is generally understood as a phrase indicating a circumstance in which a person attempts to bring about his own demise by deliberately placing himself and/or others in a dangerous and threatening situation, with intent to provoke a lethal response from the police.

⁴ Sergeant Nance had met Mr. Hannon in 2019, when he responded to a noncriminal call for service, and the two attended the same church. Sergeant Nance recalled that the last prior contact of any kind he had with Mr. Hannon had occurred over a year prior.

⁵ At one point during initial telephone conversations between Mr. Hannon and Sergeant Nance, and at Mr. Hannon’s request, the sergeant joined in their call a local pastor whose church Mr. Hannon had attended in the past. The pastor had only seen Mr. Hannon before a few times, and had not seen or spoken to him in about two years. The pastor talked with Mr. Hannon about his family and read him scripture, in an effort to dissuade him from going through with his voiced threats of suicide. The pastor later described Mr. Hannon as resolved in his decision to kill himself.

At about the time when Sergeant Nance was on the phone with Anthony Hannon and attempted to secure his peaceful surrender, members of the Central New Hampshire Special Operations Unit (“SOU”) were alerted to respond to the ongoing crisis. SOU is a tactical unit, comprised of officers from law enforcement agencies throughout Grafton and Merrimack Counties, which responds to high-risk incidents in member communities. SOU officers receive regular specialized team and individual training, and SOU responds to about seven incidents a year.

At one point while Anthony Hannon was speaking with Sergeant Nance by phone, Mr. Hannon hung up. Sergeant Nance attempted to reconnect to Mr. Hannon, and also drove over to 40 Lyford Hill Road. Sergeant Nance arrived there at about 6:00 a.m. Other members of the Pittsfield Police Department also responded to the residence, but made no attempts to enter and instead took up defensive positions around the house.

While Sergeant Nance was outside Anthony Hannon’s house, he was able to re-initiate contact with Mr. Hannon. Sergeant Nance tried to convince Mr. Hannon to leave his house unarmed and continue their conversation. After Mr. Hannon initially rebuffed those overtures, he ultimately met with Sergeant Nance on the back patio. Mr. Hannon was still armed, although his pistol was holstered at his waist. During that face-to-face conversation, which lasted several minutes, Mr. Hannon continued to assert that he wanted to die. While Mr. Hannon talked further with Sergeant Nance outside, his fiancée gathered the two children and fled the house with them.

When Anthony Hannon went back inside his house, he discovered that his fiancée and children had left. Mr. Hannon yelled out to Sergeant Nance that it “was time” and that he should leave so he would not see Mr. Hannon kill himself. Instead, Sergeant Nance remained by the house, and was able to reconnect to Mr. Hannon by cellphone. During these renewed phone

conversations, Mr. Hannon continued to talk about dying. He also talked about the pistol that he held, noting that it was loaded and ready to fire. At about 6:40 a.m., Mr. Hannon sent Sergeant Nance a “selfie” photo, showing Mr. Hannon holding the pistol up to his temple, finger on the trigger.

At about 7:00 a.m., while Sergeant Nance was still on the phone with Anthony Hannon, SOU officers began arriving at 40 Lyford Hill Road, along with a BearCat armored vehicle.⁶ SOU officers all wore uniforms identifying themselves as law enforcement officers, and the BearCat bore numerous markings identifying it as a law enforcement vehicle. The BearCat parked in front of the house, out in the open and facing the front door. Several SOU officers stationed themselves by the BearCat, using the vehicle as cover.⁷ Other SOU officers took up positions nearby, relieving Pittsfield officers. Efforts were made to evacuate nearby houses, but some residents in the immediate vicinity refused to leave. Mr. Hannon told Sergeant Nance on the phone that he saw the police outside, and reiterated earlier threats that if they tried to enter his house he would kill himself.

At about 7:15 a.m., soon after SOU officers arrived at 40 Lyford Hill Road, members of a specialized crisis negotiation team took over communications with Anthony Hannon from Sergeant Nance. Over the ensuing approximately seven hours—until about 2:00 p.m.—the police tried to secure Mr. Hannon’s peaceful surrender. Mr. Hannon continued to speak with negotiators over the telephone throughout that seven-hour period. He continued to sound

⁶ SOU officers were debriefed prior to responding to 40 Lyford Hill Road. In particular, they were informed that an armed man had barricaded himself in the residence and had made repeated statements seeking to die either by his own hand or by the police shooting him. None of the SOU officers who responded to 40 Lyford Hill Road recalled any prior interactions with Mr. Hannon.

⁷ In the ensuing hours that followed, the BearCat periodically would briefly leave and return, in order to relieve SOU officers positioned at it.

despondent, at times audibly crying.⁸ Mr. Hannon often and emphatically stated that he was armed with a loaded pistol and that he wanted to die. In addition to Mr. Hannon making constant references to suicide, he also repeatedly expressed in substance that although he did not intend to harm police officers, he wanted them to kill him, multiple times again specifically mentioning “suicide by cop.” Negotiators played for Mr. Hannon recorded messages from his fiancée and his adult son, pleading with him to surrender. Despite these and other efforts, Mr. Hannon gave no indication that he would leave his house or disarm.

Throughout the seven hours that crisis negotiators attempted, unsuccessfully, to convince Anthony Hannon to disarm and leave 40 Lyford Hill Road, SOU officers remained stationed nearby at the BearCat in front of the house and in nearby positions. During that period, the police did not attempt to force access into the house, to force Mr. Hannon from the house through the use of “tear gas” or similar irritant, or to arrest him by force.

Beginning at about 1:20 p.m. on June 14, and for the next approximately forty minutes, Anthony Hannon left his house and verbally and directly engaged SOU officers stationed outside. Mr. Hannon went to the front door, and as he continued to talk with negotiators in a cellphone that he held in one hand, he held the pistol up to his head, finger on the trigger, and yelled out to officers who he saw outside. Although Mr. Hannon repeatedly said that he supported the police and did not want to hurt the officers, he also repeatedly directly implored the police to kill him. At times, Mr. Hannon even called out to particular officers by identifying features, such as facial hair and general build, and directed them to shoot him. Mr. Hannon also

⁸ During efforts to secure Mr. Hannon’s peaceful surrender, a neighbor’s family member sent him numerous text messages, in substance taunting him to commit suicide. Those messages appeared to further agitate Mr. Hannon, who discussed them with negotiators on the phone. When the police learned of these third-party communications, they directed the neighbor to have the family member cease sending them, so as to not antagonize Mr. Hannon further.

discussed the pistol that he held to his head in detail, repeatedly verifying that it was loaded and ready to fire.



*Several of numerous photographs taken by a neighbor using a cellphone (see discussion *infra*) before the shooting, which occurred at about 2:02:30 p.m., according to times embedded in relevant video footage. The image on the left was taken at about 1:53 p.m., about nine minutes before the shooting, and shows Mr. Hannon (wearing a blue t-shirt) standing in front of 40 Lyford Hill Road while pointing a pistol at his head and calling out to nearby police officers (in the foreground, behind the BearCat). The middle image, taken at 2:02:25 p.m., is the last photo depicting Mr. Hannon (on the right, partially obscured by a tree branch) before the shooting. The image on the right, taken at 2:02:30 p.m., is the last photo taken before the shooting, and does not show Mr. Hannon.⁹*

During this portion of the standoff, the BearCat was parked in front of 40 Lyford Hill Road, facing Anthony Hannon. Several SOU officers were using the vehicle for cover. Detective Kevin Faria, Detective Thomas Sheveland, and Sergeant Christian Lovejoy were stationed at the BearCat and armed with less-than-lethal firearms. Detectives Faria and Sheveland each had a single-shot 40 millimeter projectile launcher,¹⁰ and Sergeant Lovejoy had a 12 gauge pump-action shotgun. The launchers fired foam projectiles filled with green powder that created colored blooms upon impact. The shotgun was loaded with multiple “beanbag”

⁹ These and other images taken from the neighbor’s cellphone have been cropped and enlarged, so as to focus on Mr. Hannon and/or the SOU officers who encountered him.

¹⁰ Operation is akin to a flare gun. Upon discharge of a projectile, in order to fire another round the user must open the launcher’s breech, manually eject the discharged shell, and manually insert another live cartridge.

rounds that fired bags filled with lead shot. These less-than-lethal projectiles were designed not to penetrate a human target, but instead to cause pain and disarm.¹¹

Three other SOU officers positioned at the BearCat—Sergeant Joseph DiGeorge, Sergeant Craig Levesque, and Officer Nicholas McNutt—provided cover for the officers armed with less-than-lethal firearms. Sergeants DiGeorge and Levesque had .223 caliber AR-15 style rifles,¹² and Officer McNutt had a .40 caliber submachine gun.

Additional SOU officers were stationed away from the BearCat, within sight of the front of 40 Lyford Hill Road. The other on-scene SOU personnel included Officers Jesse Colby, Almadin Dzelic, and Matthew Doyon. Officers Colby and Dzelic were armed with .223 caliber AR-15 style rifles, and Officer Doyon was armed with a .40 caliber submachine gun.

All nine of these SOU officers saw Anthony Hannon outside 40 Lyford Hill Road in the approximately forty-minute period, beginning at about 1:20 p.m., that preceded the shooting. At times Mr. Hannon stood in the doorway of the house, and at other times he stepped out onto the front steps. Each of the officers saw that Mr. Hannon held a pistol, with his finger on the trigger, which he held up to his head. Officers also heard Mr. Hannon's repeated declarations that the pistol that he held was loaded and ready to fire, as well as his repeated pleas for the police to shoot and kill him.

While a visibly agitated Anthony Hannon continued verbally to confront SOU officers outside 40 Lyford Hill Road, team members formulated a plan to disarm and subdue him through less-than-lethal means before he actually carried through with his repeated threats to take his

¹¹ Although each of these less-than-lethal projectiles is fired by force of ignited gunpowder, a less-than-lethal projectile attains a far lower velocity than bullets when fired, and thus its discharge sounds different, particularly to one familiar with both.

¹² Technically, officers were armed with 5.56 caliber rifles as well as .223 caliber rifles. But all of the bullets that were fired were .223 caliber, which can be discharged from a 5.56 caliber firearm. For consistency purposes, reference hereafter will only be made to .223 caliber.

own life. In that plan, negotiators on the phone with Mr. Hannon would attempt to convince him to lower the pistol from his head, in order to prevent injury from accidental discharge upon being struck by a less-than-lethal round. Then, if the opportunity arose, officers would employ less-than-lethal firearms to disarm and incapacitate Mr. Hannon, and he would be placed in custody. SOU officers positioned away from the BearCat were informed that less-than-lethal firearms might be used, so that they would not mistake their discharge for gunfire.

At about 2:00 p.m., Anthony Hannon was still at the front 40 Lyford Hill Road, just outside the front door. He continued to make suicidal statements, and would not disarm. The BearCat was positioned about twenty yards from Mr. Hannon. Detective Faria and Officer McNutt were on the BearCat's driver side; Sergeants Lovejoy, DiGeorge, and Levesque were on the vehicle's passenger side; and Detective Sheveland was in the vehicle's rooftop turret. Officers Colby and Dzelic were stationed together off one of the front corners of 40 Lyford Hill Road, about thirty yards from Mr. Hannon. Officer Doyon was stationed off the other front corner of the house, about forty yards from Mr. Hannon. The overhead photo attached to this report indicates the relative approximate positions of Mr. Hannon and these nine SOU officers at the time of the deadly force encounter.¹³

At one point, Anthony Hannon shifted the pistol that he held from one hand to another. Detectives Sheveland and Faria and Sergeant Lovejoy each separately saw that Mr. Hannon had lowered his pistol and had removed his finger from the trigger. Almost simultaneously, those three each fired less-than-lethal projectiles at Mr. Hannon in an effort to disarm him.

Although Anthony Hannon appeared to have been struck by at least one of the less-than-lethal rounds, he did not drop his pistol. Instead, Mr. Hannon pointed the weapon towards the

¹³ The overhead photos contained in this report show a significant amount of foliage. That foliage consists predominantly of tree leaves, and foliage did not impede the views of Mr. Hannon by those SOU officers stationed off the front corners of 40 Lyford Hill Road.

nearby BearCat and the several officers who were positioned there, and fired his weapon. At that time Sergeants DiGeorge and Levesque, and Officers Colby, Doyon, Dzelic, and McNutt nearly simultaneously fired their weapons at Mr. Hannon, stopping after Mr. Hannon fell to the ground. That exchange of gunfire lasted about ten seconds.

After the gunfire, Anthony Hannon lay on the front steps of 40 Lyford Hill Road. Several SOU officers approached, guns in firing positions, but no further shots were fired. Mr. Hannon was breathing but unconscious. One of the officers who approached, Sergeant DiGeorge, used his foot to push Mr. Hannon's pistol away from him, while another officer secured his hands. Once Mr. Hannon was in custody, officers began administering medical aid to him until relieved by nearby medical personnel. Despite those efforts, Mr. Hannon died at the scene. Nobody other than Mr. Hannon sustained injury during the shooting.

B. Witness Accounts

Numerous police officers and private citizens were interviewed as part of the investigation into the use of deadly force encounter between Anthony Hannon and the police. Those interviewed included Mr. Hannon's fiancée and family members who interacted with him the night and morning before the shooting occurred. Those witnesses who saw and/or spoke to Mr. Hannon consistently described him as despondent, agitated, and fixated on dying either by suicide or by being shot by the police. Neighbors also were interviewed, but none reported seeing the shooting.

Three SOU officers fired less-than-lethal rounds at Anthony Hannon, and six other SOU officers fired bullets at him. All nine of those officers were separately interviewed.¹⁴ Several

¹⁴ Sergeant Levesque, Officer Colby, and Officer Doyon were interviewed on June 18, 2021. Detective Sheveland and Sergeant DiGeorge were interviewed on June 22, 2021. Sergeant Lovejoy and Officer McNutt were interviewed on June 23, 2021. Detective Faria and Officer Dzelic were interviewed on June 24, 2021.

other SOU officers who were on-scene provided written reports detailing their observations. The accounts of all those police eyewitnesses as to events leading up to the deadly force encounter were consistent in material respects, including seeing Mr. Hannon outside 40 Lyford Hill Road armed with a pistol, hearing him repeatedly state that the weapon was loaded and ready to fire, and hearing him repeatedly threaten to shoot himself and implore the police to shoot him. Those consistent pre-shooting accounts are recounted above, and will not be repeated. Summarized below are relevant portions of the account of the shooting given by each of the officers who discharged a firearm in the deadly force encounter. None of those officers had ever discharged a firearm at a person in a nontraining situation before the incident with Mr. Hannon. Also summarized are relevant portions of the accounts of two other SOU officers who were positioned at the BearCat at the time of the shooting.

1. Sergeant Christian Lovejoy (Concord Police Department)

At the time of the shooting, Sergeant Christian Lovejoy had been a police officer for about ten years, all with the Concord Police Department. Sergeant Lovejoy had been a SOU member for about seven years.

From Sergeant Lovejoy's position at the BearCat, he fired at Anthony Hannon a less-than-lethal beanbag round from his shotgun. Sergeant Lovejoy saw a projectile strike Mr. Hannon in the sternum area, and also saw a green powder bloom, which indicated that one of the single-fire less-than-lethal rounds discharged by another officer also had struck Mr. Hannon. While Sergeant Lovejoy racked his shotgun to fire another round at Mr. Hannon,¹⁵ he heard a "ping" sound—what he believed to be the sound of a bullet fired by Mr. Hannon striking the armored BearCat—and gunshots from where his covering officers were positioned. Sergeant

¹⁵ Although Sergeant Lovejoy recalled firing just one bean bag round at Mr. Hannon, recovered ballistics evidence shows that two rounds were fired.

Lovejoy sought cover closer to the BearCat, tripping in the process. When Sergeant Lovejoy regained his footing, he heard someone call out “cease fire” and heard no further gunshots.

2. Detective Kevin Faria (Bradford Police Department)

At the time of the shooting, Detective Faria had been a police officer for about nine years. He joined the Bradford Police Department in 2015, before which he had worked for the Goffstown Police Department for about three years. Detective Faria had been a SOU member for about five years.

From Detective Faria’s position at the BearCat, he heard what he believed to be the discharge of one of the other less-than-lethal rounds. Detective Faria saw that Anthony Hannon did not drop his pistol, so at that point he fired his own less-than-lethal launcher at Mr. Hannon. Immediately thereafter, Detective Faria saw a green powder bloom at Mr. Hannon’s torso, which indicated that his discharged projectile had struck Mr. Hannon. However, Mr. Hannon did not drop his pistol. As a result, and because his launcher was empty, Detective Faria went to retrieve his rifle. While moving position, Detective Faria heard words to the effect of “shots fired,” but did not see any of the shooting. By the time Detective Faria reached his new position, he heard someone call out “cease fire.”

3. Detective Thomas Sheveland (Concord Police Department)

At the time of the shooting, Detective Sheveland had been a police officer for about eight years. He joined the Concord Police Department in 2016, before which he had worked for the Pembroke Police Department for about three years. Detective Sheveland had been a SOU member for about four years.

From Detective Sheveland’s position in the BearCat’s rooftop turret, he saw a beanbag round fly through the air, and fired his own less-than-lethal shortly thereafter. Detective

Sheveland saw Anthony Hannon buckle and stumble backwards slightly. Mr. Hannon's facial expression changed to apparent anger, and he raised his pistol towards the BearCat and the officers positioned there. Detective Sheveland then heard a loud bang, dropped down into the BearCat, and shouted in substance, "He's shooting at us, he's shooting at us." From inside the BearCat, Detective Sheveland saw Mr. Hannon "rolling on the ground" and then stand up, but lost sight of him while retrieving a rifle. When doing so, he heard someone call out "cease fire."

4. Sergeant Joseph DiGeorge (Pittsfield Police Department)

At the time of the shooting, Sergeant DiGeorge had been a police officer for about eighteen years. He joined the Pittsfield Police Department in 2005, before which he had worked for the Milton Police Department for about three years. Sergeant DiGeorge had been a SOU member for about eight years.

When the shooting began, Sergeant DiGeorge was positioned at the BearCat's open passenger side door, facing Anthony Hannon. From there, Sergeant DiGeorge saw officers fire less-than-lethal firearms at Mr. Hannon. Mr. Hannon did not drop his pistol. Instead, Mr. Hannon pointed the gun at Sergeant DiGeorge and the other officers stationed by the BearCat, and began firing. Sergeant DiGeorge recalled seeing Mr. Hannon's pistol recoil as shots were fired, and could hear gunshots. Sergeant DiGeorge also saw Sergeant Lovejoy, who was nearby, fall and thought he had been shot. At that point, Sergeant DiGeorge began to return fire at Mr. Hannon, stopping when he believed that he saw Mr. Hannon drop his pistol.

After the exchange of gunfire, Sergeant DiGeorge and several of his team members approached Mr. Hannon. Sergeant DiGeorge saw that the pistol that Mr. Hannon had been firing was near him on the ground, and stepped on the weapon and slid it away from Mr. Hannon.

5. Sergeant Craig Levesque (Concord Police Department)

At the time of the shooting, Sergeant Levesque had been a police officer for about seventeen years, all with the Concord Police Department. Sergeant Levesque had been a SOU member for about seven years.

From Sergeant Levesque's position near Sergeants Lovejoy and DiGeorge at the BearCat, he saw Anthony Hannon switch the pistol that he held from one hand to another, and then heard what he believed to be the discharge of less-than-lethal rounds. Sergeant Levesque moved away from the BearCat, next to Sergeant DiGeorge, and saw that Mr. Hannon was in a "lowered position" and still held the pistol. Mr. Hannon straightened his body and pointed the pistol toward Sergeant Levesque and other officers positioned at the BearCat. Sergeant Levesque then fired at Mr. Hannon, shooting to protect nearby officers and stopping when he saw Mr. Hannon fall to the ground.

6. Officer Nicholas McNutt (Concord Police Department)

At the time of the shooting, Officer McNutt had been a police officer for about eleven years. He joined the Concord Police Department in 2013, before which he had worked for the Hopkinton Police Department for about three years. Officer McNutt had been a SOU member for about six years.

From Officer McNutt's position at the BearCat, he saw Anthony Hannon get struck by a less-than-lethal round and drop his pistol. Officer McNutt then saw Mr. Hannon pick up the weapon, point it at the BearCat and officers stationed there, and begin firing. Officer McNutt then fired at Mr. Hannon, stopping when he saw that Mr. Hannon was no longer shooting.

7. Officer Jesse Colby (Henniker Police Department)

At the time of the shooting, Officer Colby had been a police officer for about fifteen years. He had been a member of the Henniker Police Department since about 2015, and in the past also had worked for the Concord Police Department for about three years. Officer Colby had been a SOU member for about a year.

From Officer Colby's position off the front corner of 40 Lyford Hill Road, he saw officers by the BearCat fire less-than-lethal rounds at Anthony Hannon. Officer Colby saw projectiles strike Mr. Hannon, but he did not drop his pistol. Instead, Mr. Hannon pointed the gun towards the BearCat and officers stationed there. Officer Colby saw Mr. Hannon's pistol-wielding arm make "punching" motions, and the weapon's slide moved back and forth, indicating gunfire. Officer Colby then fired at Mr. Hannon, stopping when he saw Mr. Hannon fall and he could no longer see the pistol.

8. Officer Almadin Dzelic (Concord Police Department)

At the time of the shooting, Officer Dzelic had been a police officer for about sixteen years, all with the Concord Police Department. Officer Dzelic had been a SOU member for about two years.

From Officer Dzelic's position at the corner of 40 Lyford Hill Road with Officer Colby, he heard what he believed to be the discharge of less-than-lethal rounds. Officer Dzelic then saw Anthony Hannon stumble backwards towards the house, point the pistol that he held towards the BearCat and the officers positioned there, and begin firing. In response, Officer Dzelic shot once at Mr. Hannon. He saw Mr. Hannon immediately start to collapse, and did not fire again.

9. Officer Matthew Doyon (Concord Police Department)

At the time of the shooting, Officer Doyon had been a police officer for about three years, all with the Concord Police Department. Officer Doyon had been a SOU member for about two years.

From Officer Doyon's position at the corner of 40 Lyford Hill Road, he heard the discharge of what he believed to be a less-than-lethal firearm. Officer Doyon saw Anthony Hannon fall slightly forward, point his pistol toward the BearCat and the officers stationed there, and fire. Officer Doyon recalled that he saw smoke coming from Mr. Hannon's pistol each time it fired, and that he believed that he saw two gunshots. At that time, Officer Doyon fired on Mr. Hannon, stopping when he lost sight of Mr. Hannon. Shortly thereafter, Officer Doyon heard someone yell out "cease fire."

10. Other SOU Officers Stationed at the BearCat

At the time of the shooting, two other SOU officers—Sergeant Patrick Ofrias and Officer John Galvin, each of the Concord Police Department—also were stationed at the BearCat. Neither of these officers discharged a firearm during the encounter with Anthony Hannon. Officer Galvin was assigned as the driver of the BearCat, and was positioned in the driver seat, facing Mr. Hannon, when the shooting unfolded. Sergeant Ofrias was designated to secure Mr. Hannon when he could be placed in custody, and was positioned behind the BearCat when the shooting unfolded.

From Officer Galvin's vantage point, he saw Anthony Hannon shift the pistol that he held from one hand to another, heard the discharge of a less-than-lethal round, and saw a green powder plume in Mr. Hannon's stomach area. Officer Galvin then saw Mr. Hannon raise his pistol towards him and other officers stationed at the BearCat and fire, observing the discharge of

gun smoke and the gun's recoil. Officer Galvin then heard multiple gunshots. Mr. Hannon fell to a sitting position, stood back up and appeared to turn to his house, and then fell on his back.

From Sergeant Ofrias's position behind the BearCat, he could see Anthony Hannon through the vehicle's open rear doors. At one point Mr. Hannon lowered his pistol, and Sergeant Ofrias heard the discharge of a less-than-lethal round. As Sergeant Ofrias moved towards the vehicle's side, he heard people yell out, "He's shooting" and also heard gunfire, but could not see Mr. Hannon. Sergeant Ofrias then joined Sergeants Lovejoy, DiGeorge, and Levesque, and saw that Mr. Hannon had fallen to the ground. Sergeant Ofrias approached Mr. Hannon with other officers, and placed him in flex cuffs.

C. Video Evidence

There were no police-issued video recording devices that recorded any of the police interaction with Anthony Hannon on June 13 and 14, 2021. A private citizen, who lived across from 40 Lyford Hill Road, did record portions of the shooting on her cellular telephone, and provided those recordings to investigators. That neighbor also was interviewed. From the neighbor's vantage point inside her house, she could see the front of 40 Lyford Hill Road, as well as the BearCat and police officers positioned in front of the house.

At times during the day on June 14, the neighbor heard voices calling out for Anthony Hannon to drop his weapon and come outside, while assuring him that nobody wanted to hurt him. Before the shooting, the neighbor saw Mr. Hannon out on the front steps of his home, holding in one hand a phone and in the other a handgun that he held up to his head. Mr. Hannon yelled in substance that he had nothing to live for, and repeatedly directed the police to shoot him. The neighbor characterized the behavior that she observed from Mr. Hannon outside the house as increasingly erratic.

When the shooting occurred, the neighbor remembered hearing what sounded like gunshots, but could not recall how many or the exact pattern. She immediately took cover upon hearing gunshots, so did not see any of the shooting.

The neighbor used her cellphone to take over seven hundred separate photos and videos from her vantage point across the street from 40 Lyford Hill Road, from about 5:51 a.m. to about 5:57 p.m. on June 14. There are one hundred and twenty-seven individual videos, ranging in length from about a second to a little over a minute. Recordings have accompanying audio as well as video.¹⁶

The shooting of Anthony Hannon was not recorded in its entirety, but three videos did record latter portions of that event. Those three videos are detailed below. All photos and videos were taken towards the front of 40 Lyford Hill Road, behind the BearCat and SOU officers positioned at the vehicle, from inside the first floor of the adjacent house.



An overhead photo showing the approximate location of the neighbor who recorded portions of the armed standoff between Mr. Hannon and the police with a cellphone. The neighbor's approximate location is indicated in yellow, Mr. Hannon's approximate location is indicated in red, and the BearCat's approximate location is indicated in gray.

¹⁶ Among the photos and videos are many showing Mr. Hannon holding a pistol placed against his head, with officers positioned at the nearby BearCat watching, weapons at the ready but not pointed at him. Several of those photos were published earlier in this report.

Video that recorded the shooting began at 2:02:32 p.m. That video captured latter portions of the shooting, not its beginning. Numerous photographs and videos were taken in the minutes leading up to 2:02:32. In those preceding photos and videos, Anthony Hannon is standing by the front door of 40 Lyford Hill Road, facing officers positioned at the BearCat and pointing a pistol against his head. The last video taken before video capturing latter portions of the shooting ends at about 2:02:19, and no firearms—less-than-lethal or lethal—were discharged at that point. The last photo taken before video capturing latter portions of the shooting was taken at 2:02:30, and no firearms appear to have been discharged at that point. From this information, as well as the videos capturing the latter portions of the shooting detailed below, it appears that the firearm exchange between police officers and Mr. Hannon—starting with the discharge of less-than-lethal rounds at him, to the cessation of all gunfire—began just before the video beginning at 2:02:32, and occurred within a span of about ten seconds.

1. Video Beginning at 2:02:32 p.m.

This video lasts about a second. At its start, Sergeants Lovejoy, DiGeorge, Levesque, and Ofrias are grouped together behind the vehicle's open passenger side door. Detective Sheveland has just dropped down into the BearCat from his position at the rooftop turret. Anthony Hannon initially is off-camera, but as the camera zooms in he can be seen by the front door of 40 Lyford Hill Road.



A still photo taken from the beginning of the video, showing SOU officers positioned at the BearCat. 40 Lyford Hill Road is in the background. Mr. Hannon is not visible, but is located in front of the house, to the right of the BearCat's open passenger door.

In the video, the sound of a single apparent gunshot is heard, immediately followed by three more apparent gunshots, which are louder than the first and fired in quick succession. When those three subsequent apparent gunshots are heard, Sergeant DiGeorge moves from behind the open BearCat door with his rifle aimed towards Anthony Hannon, and smoke discharges from his weapon, indicating gunfire. Sergeant Ofrias moves to the rear of the BearCat. Mr. Hannon is by the front door of the house, facing the officers positioned at the BearCat in what appears to be a seated position.

From the accounts of SOU officers involved, as well as the positions of SOU officers at the BearCat in this short video, it appears to have been taken after Sergeant Lovejoy and Detectives Faria and Sheveland fired less-than-lethal rounds at Anthony Hannon. The source of the initial apparent gunshot heard in the video cannot be determined.



A still photo taken after apparent gunshots are heard. Mr. Hannon is to the right, in front of the white door under the tree branch. Sergeant DiGeorge is aiming his rifle at Mr. Hannon around the BearCat's passenger side door. Sergeant Lovejoy is to Sergeant DiGeorge's immediate left, and Sergeant Levesque is behind him.

2. Video Beginning at 2:02:36 p.m.

This video lasts about a second, and begins about three seconds after the preceding video ends. At the video's start, Sergeants Lovejoy, DiGeorge, and Levesque still are at the open passenger side door. By this time, Sergeants DiGeorge and Levesque have moved out from behind the BearCat's side door, and Sergeant DiGeorge is aiming his rifle towards Anthony Hannon, who appears to be kneeling in front of the front door of 40 Lyford Hill Road.

In the video, while Anthony Hannon rises from the ground, facing the BearCat and with his left hand outstretched and perpendicular to his body—the same hand near which his pistol was found after he had been shot—someone yells out “shots fired” and the sound of multiple apparent gunshots fired in quick succession are heard. Smoke discharges from Sergeant DiGeorge's rifle. As shots are fired, Mr. Hannon appears to begin to turn away from officers positioned at the BearCat.



Still photos showing, chronologically during a span of about a second, Mr. Hannon down by the front door (left), standing with an arm raised towards the BearCat (middle), and then turning towards the door (right). Sergeant Lovejoy is directly behind the BearCat's open door, Sergeant DiGeorge is to his right, and Sergeant Levesque is farther to the right.

3. Video Beginning at 2:02:39 p.m.

This video lasts about forty-four seconds, and begins about two seconds after the preceding video ends. At its start, the same SOU officers noted previously are still positioned at the BearCat. Anthony Hannon initially cannot be seen, as his position is obscured by officers at the BearCat, although movement can be seen near the top of the front door to 40 Lyford Hill Road.

In the first two seconds of the video, the sound of multiple apparent gunshots fired in quick succession are heard. No additional apparent gunshots are ever heard afterwards. When Anthony Hannon appears in view during that gunfire, he is down but moving in front of the front door of 40 Lyford Hill Road. As gunfire stops, Mr. Hannon is lying face-up on the front steps, and he does not appear to move. Voices can be heard, calling out in substance to cease fire. Several SOU officers, their weapons pointed at Mr. Hannon, walk towards him; he does not appear to move. As officers near Mr. Hannon, his left hand, lying on a step, moves. One of the approaching officers—Sergeant DiGeorge—places his foot on an object underneath that hand

and drags the object away. Officers then roll Mr. Hannon over onto his stomach and secure his hands.



A still photo taken seconds after gunfire has ceased. Sergeant Levesque is standing on the far right, and Sergeant DiGeorge is standing to his immediate left. Mr. Hannon is lying face-up in front of the door to 40 Lyford Hill Road, and his torso and left arm can be seen between the two officers.

D. Physical Evidence

A .40 caliber semiautomatic pistol was recovered several feet from where Anthony Hannon fell in front of 40 Lyford Hill Road. The pistol had a twelve-round magazine, and there were eight live rounds in the magazine as well as a live round loaded in the gun's chamber.¹⁷ Three .40 caliber bullet casings were found nearby. The placement of those casings was consistent with being fired from Mr. Hannon's pistol, and inconsistent with being fired by the same caliber guns fired by Officers McNutt and Doyon.

Various other firearms discharge evidence was recovered and/or documented. Specifically, four less-than-lethal projectiles—two beanbag rounds and two 40 millimeter

¹⁷ Additional handguns, a semiautomatic rifle, and multiple rounds of additional ammunition were found inside Mr. Hannon's house.

rounds¹⁸— additional bullet casings, bullets and bullet fragments, and ballistics damage to the front of 40 Lyford Hill Road, a nearby truck, and an adjacent house. From trajectory analysis, it appears that some of the ballistics damage observed to the front of 40 Lyford Hill Road was caused by two bullets fired from Anthony Hannon's pistol. The BearCat sustained apparent ballistics damage to a side rearview mirror, with trajectories consistent with a police officer as the origin of the damaging shots.

In addition to the three bullet casings found near Anthony Hannon's semiautomatic pistol, forty-three bullet casings—twenty .40 caliber casings and twenty-three .223 caliber casings—were recovered near the positions from where SOU officers fired at him. Based upon visual inspections of discharged firearms, the locations of recovered bullet casings, and a comparison of ammunition used in the various firearms discharged at Mr. Hannon, the following approximate number of discharges can be attributed to the following shooters:¹⁹

Mr. Hannon:	three times
Officer McNutt:	sixteen times

¹⁸ One 12 gauge less-than-lethal shotgun casing was recovered by the BearCat and a second was recovered from the chamber of the shotgun used by Sergeant Lovejoy. A fired casing also was recovered from each of the 40 millimeter launchers used by Detectives Faria and Sheveland.

¹⁹ These approximations assume that, with the exception of Sergeant Levesque and Officers Doyon and Colby, the magazine of each shooter's gun was fully loaded and the gun did not additionally have a round chambered. Sergeant Levesque reported that his practice was to load his weapon's magazine one or two rounds short of fully-loaded, and he did not know the exact round count of the magazine that he used when he fired at Mr. Hannon. Officer Doyon reported that his practice was to load his weapon three rounds short of fully loaded. Officer Colby was uncertain whether his magazine was fully loaded, and his unused magazines were all one round short of fully loaded.

There is a discrepancy between calculated approximate shots fired and the number of recovered bullet casings. The total approximate shots fired during the exchange of gunfire between Mr. Hannon and the police—between forty-seven and forty-nine—exceeds the forty-three recovered bullet casings. Among the possible explanations for the discrepancy are the following: officers were mistaken as to whether the magazines that they used were fully-loaded, officers who reported that their magazines were not fully loaded were mistaken as to how many bullets were loaded in those magazines, casings inadvertently were removed from the scene (*i.e.*, lodged in the tread of someone present on the scene), and casings simply could not be found. In the end, the discrepancy does not affect the deadly force analysis.

Sergeant DiGeorge: thirteen times
Sergeant Levesque: ten or eleven times
Officer Doyon: five times
Officer Colby: two or three times
Officer Dzelic: once
Sergeant Lovejoy twice (less-than-lethal)
Detective Faria once (less-than-lethal)
Detective Sheveland once (less-than-lethal)

E. Autopsy Results

Deputy Chief Medical Examiner Mitchell Weinberg conducted an autopsy on Anthony Hannon on June 15, 2021. Mr. Hannon sustained nine gunshot wounds. Four were to his extremities—wounds to his right wrist, left arm, and right leg that passed through his body, and a graze wound to his right arm—and two entered his buttocks and hit bone, resulting in bullet fragmentation inside Mr. Hannon’s body. The most severe gunshot wounds sustained by Mr. Hannon entered his back, causing multiple abdominal and chest injuries; two of those wounds passed through Mr. Hannon’s body, and for the third a deformed bullet was recovered.²⁰

Mr. Hannon also sustained superficial blunt force trauma to various parts of his body, some of which was consistent with injury sustained from less-than-lethal projectiles.

Anthony Hannon’s death was determined to be a homicide, with his cause of death 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.

²⁰ Firearm of origin cannot be determined for the pass-through and graze wounds. Forensic testing was not conducted on the recovered bullet fragment to possibly determine its source firearm.

Toxicology testing of Anthony Hannon's blood revealed the presence of caffeine, cotinine (a metabolite of nicotine), and medication used to treat high blood pressure. No alcohol was detected.

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 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).

Also applicable in this case is the justification provision regarding legal use of deadly force by law enforcement when conducting arrests:

A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary [t]o effect an arrest . . . of a person whom he reasonably believes [h]as committed or is committing a felony involving the use of force or violence . . . or otherwise indicates that he is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and [h]e has made reasonable efforts to advise the person that he is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.

RSA 627:5, II(b). That being said, lawful police use of deadly force under this provision is further tempered by relevant constitutional jurisprudence, which place additional limitations thereon. *See, e.g., Tennessee v. Garner*, 471 U.S. 1, 11-12 (1985) (deadly force cannot be used against apparently unarmed and nondangerous fleeing suspect).

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

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that

are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

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

The Eleventh Federal Circuit has noted that:

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

Garczynski v. Bradshaw, 573 F.3d 1158, 1166 (11th Cir. 2009) (citations omitted). That is because “the law does not require perfection—it requires objective reasonableness.” *Phillips v. Bradshaw*, No. 11-80002-CIV-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 deadly force analysis in this case involves two discrete types of firearms—less-than-lethal, and lethal—utilized for different reasons. Accordingly, the analysis will be separate.

That being said, the analysis of each begins with the facts and circumstances leading up to the armed confrontation between Anthony Hannon and SOU officers. Police presence at Mr.

Hannon's residence resulted from felony allegations made against him by an identified private citizen. The police who received that complaint were obligated to follow-up on it.

When Anthony Hannon was informed that criminal allegations had been made against him, and inaccurately informed in substance that the police were en route to his house, his response was precipitous and dangerous. He openly and aggressively threatened to kill himself, or to place himself in a situation in which the police would use deadly force against him. In addition to such making such clear and disturbing threats, Mr. Hannon armed himself with a loaded handgun, and brandished it while discussing how he could bring about his own demise. His actions not only placed his own life in direct peril, but also endangered the other people who were present in the house with him—his fiancée and young children.

In stark contrast to Anthony Hannon's extreme reaction to possible criminal charges levied against him, police response to that reaction was measured and attempted to de-escalate the dangerous situation that only Mr. Hannon created. Pittsfield police officers did not try immediately to arrest Mr. Hannon; nor did they attempt any entry into his house. Instead, the police successfully opened up a dialogue with him by telephone, and through conversation attempted to dissuade him from suicide, persuade him to disarm, and secure his peaceful surrender. Additionally, specialized units, whose functions were to respond to the active and ongoing crisis created by Mr. Hannon, were summoned.

With respect to those units, negotiators continued to speak with Anthony Hannon, over the course of about seven hours. Despite concerted efforts to calm and assure Mr. Hannon, and to disarm him, he continued throughout those many hours to actively discuss killing himself and implore the police to shoot him. He also refused to put down the loaded pistol that he carried. Quite the opposite, he brandished the pistol in open view of the police, often in a dangerous

manner, with his finger on the trigger and the weapon held against his head. He also repeatedly assured the police that the weapon was loaded and ready to fire, and that he would use it against himself if the police did not kill him first, as he requested.

As to the SOU officers stationed outside Anthony Hannon's house while the armed standoff unfolded, given the active threats made by Mr. Hannon their presence was necessary to contain the threat that he posed not only to himself, but to others who lived nearby. And, for the roughly seven hours that negotiators attempted to secure a peaceful resolution, the SOU officers stood by. It was only when Mr. Hannon escalated the situation even further, by leaving his house armed and with his pistol at his head, by still refusing to disarm, and by actively attempting to engage with officers who were positioned nearby, that a tactical decision was made to attempt, if a safe opportunity arose, to disarm him through less-than-lethal means. As noted at the beginning of this report, that tactical decision is not on review.

It is in light of these preceding relevant circumstances that the use of deadly force by SOU officers should be assessed. From all the evidence, less-than-lethal firearms initially were used by those officers who wielded them, and then lethal firearms were used. Those different means will be discussed in turn.

A. Less-Than-Lethal Firearms

Based upon all the facts and circumstances of this case, the Attorney General has concluded that it was reasonable for each of the three SOU officers who fired less-than-lethal rounds at Anthony Hannon—Sergeant Christian Lovejoy, Detective Kevin Faria, and Detective Thomas Sheveland—to reasonably believe, when he did so, that Mr. Hannon posed an imminent deadly danger to himself, and also that such means were necessary to arrest Mr. Hannon, who at the time of his suicidal standoff was committing a felony involving the use of force.

As to the former justification—preventing Anthony Hannon from using deadly force against himself—Mr. Hannon repeatedly threatened, verbally and physically, to kill himself with a pistol that he held up to his head and repeatedly stated was loaded and ready to fire. His words and conduct continued for over half a day straight, and showed no signs of abating. Quite the opposite, at the time when a less-than-lethal plan was developed, Mr. Hannon's expressed suicidality and associated behaviors had become even more extreme, as he left his house, loaded gun to his head, and implored nearby officers to end his life. In the face of such a legitimate, aggressive, and active suicide threat, a belief that Mr. Hannon imminently would follow-through with his expressed desire to end his own life was reasonable.

As to the latter justification—effecting Anthony Hannon's arrest—through his threatening behavior with a pistol that he professed to be loaded and ready to fire, he was committing in the presence of SOU officers a felony involving the threat of violence. RSA 631:3 (“A person is guilty of reckless conduct if he recklessly engages in conduct which places or may place another in danger of serious bodily injury.”), II (“Reckless conduct is a class B felony if the person uses a deadly weapon”); see *State v. Haines*, 142 N.H. 682, 700 (1998). Although Mr. Hannon only verbally threatened his own life and made no overt threats to anyone else, his conduct placed police officers and private citizens in his potential line of fire. So were those nearby others also placed in danger by Mr. Hannon's conduct in brandishing a loaded firearm out in the open in a clearly agitated state, and actively seeking to create a situation in which police officers may need to resort to shooting him, as he explicitly desired.²¹

²¹ Although the sexual assault complaint made against Mr. Hannon also may form an appropriate predicate for the lawful use of less-than-lethal means against him to effectuate his arrest, it is unclear whether the SOU officers who fired less-than-lethal projectiles at him were aware of that charge.

Further, the less-than-lethal methods used against Anthony Hannon were reasonable. Germane to the analysis here is that although the less-than-lethal methods utilized constitute “deadly force” under that term’s legal definition, *see* footnote 1, *supra*, those methods were not designed or employed with the intention to kill Mr. Hannon. Rather, the police sought to disarm him, and to incapacitate him so that he could safely be placed in custody. And, there is no evidence, or anything to suggest, that the less-than-lethal firearms were utilized unsafely or recklessly. For all of these reasons, the use of less-than-lethal means against Mr. Hannon was reasonable under the circumstances.

B. Lethal Firearms

Analysis differs as to the legality of the use of deadly force by the six officers who fired bullets at Anthony Hannon—Sergeant Joseph DiGeorge, Sergeant Craig Levesque, Officer Jesse Colby, Officer Matthew Doyon, Officer Almadin Dzelic, and Officer Nicholas McNutt. None of those officers indicated that he fired on Mr. Hannon in order to prevent him from taking his own life, or in order to arrest him. Instead, each of those six officers explained in substance that he fired upon seeing Mr. Hannon shoot at him and/or fellow officers, or upon believing that Mr. Hannon was about to do so.²² Accordingly, assessment of the legality of the use of deadly force against Mr. Hannon centers on the reasonableness of the belief held by each officer that at that time Mr. Hannon posed an imminent deadly threat, and that deadly force against Mr. Hannon was necessary in order to protect himself and/or others from that perceived immediate deadly threat. Based upon all the facts and circumstances of this case, the Attorney General has concluded that the belief actually held by each officer was reasonable.

²² As discussed earlier in this report in the summaries of each of the SOU officers who fired bullets at Mr. Hannon, Sergeant Levesque fired at Mr. Hannon upon seeing him point his pistol at the BearCat and officers positioned there and believing that he was about to fire on that position. The other officers each recounted seeing Mr. Hannon fire his pistol at that same position before firing on him.

In the face of objectively reckless and dangerous conduct by Anthony Hannon, SOU officers maintained their positions nearby him, and made no attempt to end his behavior by ending his life, or even by subduing him through the immediate use of force despite having lawful basis to arrest him. The police patiently attempted, over the course of many hours, to calm down Mr. Hannon, to get him to disarm, and to get him to surrender. When those significant and repeated efforts failed, and Mr. Hannon's conduct became increasingly erratic, the police tried to diffuse the dangerous and devolving situation through less-than-lethal means.

Anthony Hannon's response to the ultimately ineffectual lawful and less-than-lethal means employed against him was quick and unlawful, and placed those in his immediate vicinity in direct peril. Mr. Hannon turned the loaded pistol that he had been pointing at himself, towards officers who were only about twenty yards away. From Mr. Hannon's direct encounter with those officers over the preceding hour, he plainly knew that they were exactly where he pointed his pistol. According to the consistent accounts of events, Mr. Hannon then fired his gun at those nearby police officers. That Mr. Hannon in fact discharged the pistol that he held is evinced by the bullet casings found by that weapon. It was only when Mr. Hannon did so that the officers who were in his direct line of fire—Sergeant DiGeorge, Sergeant Levesque, and Officer McNutt—as well as other officers who saw Mr. Hannon fire on a police position—Officer Colby, Officer Dzelic, and Officer Doyon—almost simultaneously fired on Mr. Hannon. Indeed, the deadly threat posed by Mr. Hannon at that point was not perceived or imminent, which would have 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). Rather, Mr. Hannon was actually using deadly force: it was

active and ongoing. It was also effectuated deadly force by Mr. Hannon that was not justified under the law.

The situation created by Anthony Hannon and faced by the law enforcement officers who encountered him required immediate response, in order to eliminate that active and ongoing threat to life. That is what the firing officers did—respond to Mr. Hannon’s actual use of illegal deadly force, by using lawful and appropriate defensive deadly force. That is justified use of deadly force under the law.

Next with respect to the law enforcement deadly force employed through lethal means, that force was reasonable in relation to the existing deadly force faced from Anthony Hannon. The number of shots fired at Mr. Hannon, either collectively or by any one or more of the SOU officers who discharged his gun, did not transform the lawful use of defensive force either to unlawful retaliation or an unreasonable application of justifiable force. Each officer explained that he fired until he deemed the deadly threat posed by Mr. Hannon to be eliminated, or he could no longer see Mr. Hannon. There is no grounds upon which to doubt these representations.²³ Indeed, those representations are supported by the limited video evidence available, which shows a cessation of fire close in time to when Mr. Hannon collapsed to the ground, apparently incapacitated.

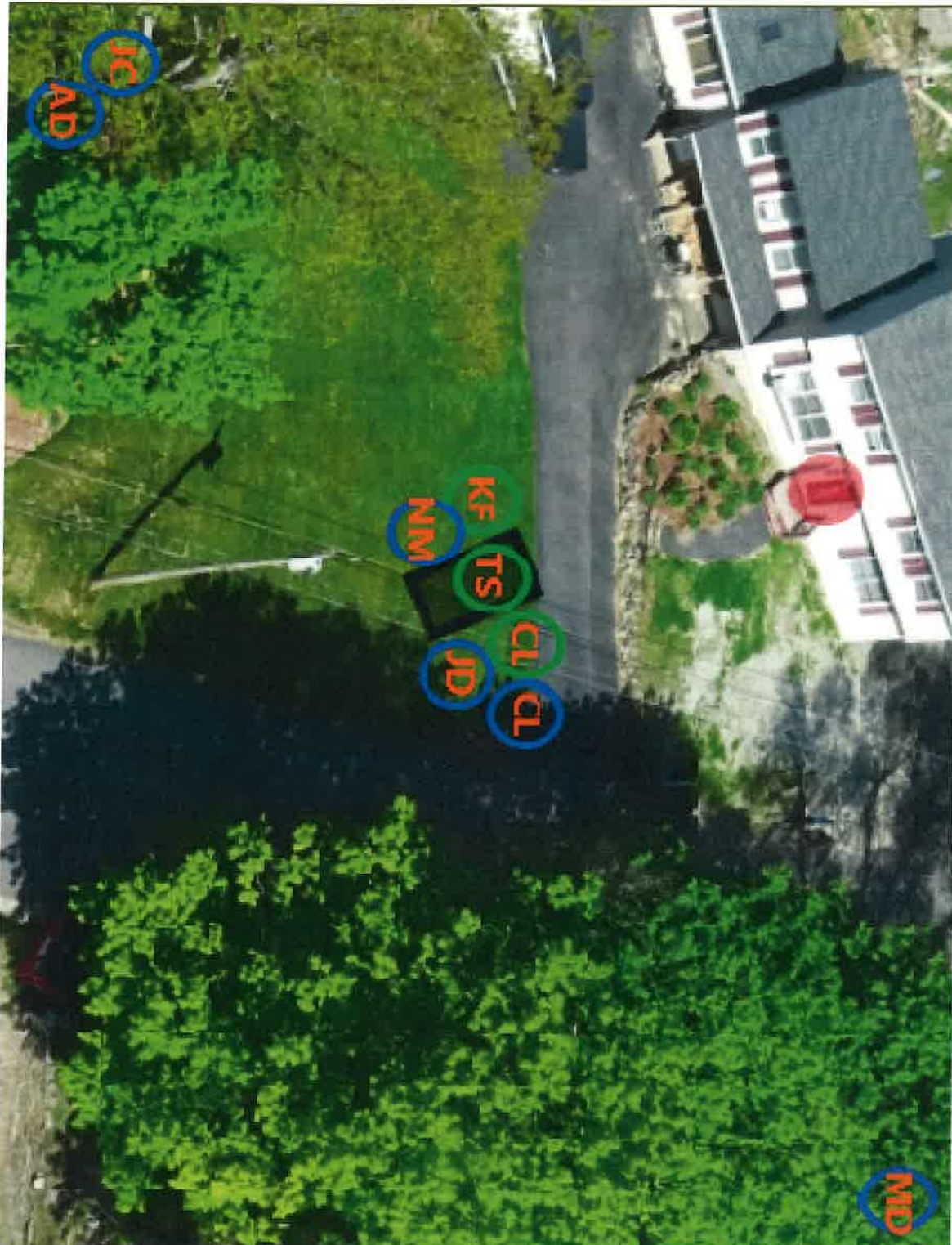
The deadly threat posed by Mr. Hannon was sudden. The responsive lawful use of deadly force by law enforcement to that deadly threat occurred within the span of seconds, with

²³ There were some inconsistencies among eyewitness accounts. As an example, Officer McNutt recalled seeing Mr. Hannon initially drop and then retrieve his pistol before pointing it towards the BearCat and officers positioned there and firing. None of the other SOU officers who fired at Mr. Hannon reported seeing him initially drop his weapon. That being said, it is not unusual for there to be inconsistencies among eyewitness accounts. This reality is particularly so in a high-stress event such as this, which unfolded in a matter of seconds. The inconsistencies that exist do not call into question either the veracity of the accounts provided, or the reliability as to the consistent accounts that Mr. Hannon pointed his pistol towards the police and fired his gun, the former of which is corroborated by video evidence and the latter of which is corroborated by recovered casings from that gun.

weapons—like the loaded pistol brandished by Mr. Hannon—that can fire multiple rounds in mere seconds, and while Mr. Hannon was moving while still armed. No officer reloaded and continued to fire. The video recording, which captures the last several seconds of the shooting up until officers disarmed and secured Mr. Hannon, show that gunfire stopped at about the time when Mr. Hannon visibly appeared to be incapacitated—falling and not rising thereafter—and that no further shots were fired afterwards. Under all these circumstances, the use of force applied was reasonable and not excessive.

Nor is that conclusion undermined by the fact that Anthony Hannon was shot in the back. As is vividly illustrated by the available video, the shooting not only occurred quickly, but also was a dynamic event. Mr. Hannon was moving throughout. As captured by video, in the span of only about a second, and during gunfire, Mr. Hannon not only stood up from a sitting/crouching position, but also turned his body. Moreover, SOU officers who fired on Mr. Hannon were shooting from different positions not only relative to him, but also to each other. And, that Mr. Hannon's back was momentarily turned towards some of the shooting officers while bullets were being fired did not mean that he no longer posed an imminent and deadly threat with the pistol that he still held. Indeed, there was nothing objectively to indicate that Mr. Hannon was attempting to disarm or surrender, or that he was incapacitated or helpless when shot.

In conclusion, the SOU officers identified in this report were legally justified in using deadly force against Anthony Hannon, first through less-than-lethal means, and then through lethal means. Accordingly, no criminal charges will be filed against any of those officers as a result of Mr. Hannon's death.



An overhead photo showing approximate and relative positions at the time of the deadly force encounter. Mr. Hannon's position is indicated in red. The BearCat's position is indicated in gray. Indicated in green are the positions of the officers who used less-than-lethal firearms (Kevin Faria, Thomas Sheveland, and Christian Lovejoy). Indicated in blue are the positions of the officers who used lethal firearms (Jesse Colby, Almadin Dzelic, Nicholas McNutt, Joseph DiGeorge, Craig Levesque, and Matthew Doyon).