

Man killed in gunfire with police faced drug - Foster's Daily Democrat (Dover, NH) - August 21, 2018

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ROCHESTER — Court records show Rochester police had four active drug warrants out for **Douglas Heath** at the time he was killed in Monday's officer-involved shooting, and the state attorney general's office said Tuesday a civilian video of the shooting only shows a portion of the events that transpired.

Heath, 38, of Colby Street in the Rochester neighborhood of Gonic, died Monday afternoon after he was struck during an exchange of gunfire with police near the intersection of Oak Street and Gonic Road (Route 125) in Gonic, authorities have said.

The incident began after police attempted to take Heath into custody on what court records show to be four Rochester warrants and one Maine State Police warrant.

The Rochester warrants, which stem from an April traffic stop, were for a Class A felony charge for possession of 146 grams of heroin with intent to distribute and one Class B felony count each of possession of heroin, cocaine, and buprenorphine-naloxone, according to court records.

The Maine warrant is for the charge of eluding a police officer that stems from an attempted traffic stop and subsequent car chase that occurred along Route 202 from Sanford to Lebanon on June 11, according to Maine State Police.

The investigation into Monday afternoon's officer-involved shooting is ongoing, and Heath's autopsy is still scheduled for Thursday, the attorney general's office said Tuesday.

An unauthenticated civilian video of the shooting is circulating on social media. The 23-second video, recorded from inside a civilian's stopped motor vehicle, appears to show Heath climb out his car, roll on the ground and discharge a firearm in the direction of police officers who are out of frame. The video then appears to show Heath being hit by multiple bullets fired by the out-of-frame police officers. The video ends shortly after the gunfire ceases.

Attorney General Gordon J. MacDonald said during a press conference Monday night that the video, along with Rochester police cruiser video, are under investigation. He said at the time that it was unknown whether Heath or an officer fired first, or which officers discharged their weapons.

A gun was found near Heath's body after the shooting, MacDonald said.

Senior Assistant Attorney General Peter Hinckley said Tuesday morning that the civilian video shows only a small portion of Monday's events. He said his office's investigation will include reviewing all of the video evidence, interviewing police and civilian witnesses, and reviewing all other evidence related to the incident.

"We're not focused on a single portion of the encounter, but the entirety of the encounter, including all that transpired before then and all that transpires after then that wasn't captured on the (civilian) video," Hinckley said. "Even though video or any (other) recorded evidence can be an important aspect of a case, it's certainly not the entirety of the case."

As is standard protocol, the unnamed Rochester officers and state troopers have been placed on administrative leave in conjunction with the state's investigation into the officer-involved shooting. None of the officers were injured during Monday's incident, nor were any members of the public, according to MacDonald.

State police vehicles do not have video equipment, and neither Rochester nor state troopers have body cameras, according to MacDonald.

Monday's officer-involved shooting occurred after Heath crashed his car near Oak Street and Gonic Road around 3:15 p.m. while attempting to flee from the Rochester police officers and New Hampshire state troopers who were looking to arrest him on the five warrants, MacDonald has said.

A police pursuit began after authorities reportedly spotted Heath's car around 3 p.m. Monday. Heath's car was sighted Monday six days after Rochester police received information that Heath was staying at a location within city limits, may have been in possession of three firearms, and had "no intention of going to jail," according to MacDonald.

Rochester police charged Heath with their four drug charges after allegedly observing Heath driving without his lights on along Chestnut Street and River Street around 8:21 p.m. April 13, according to an affidavit filed in Strafford County Superior Court.

The affidavit states that following the traffic stop, which occurred in a parking lot on River Street, Rochester officer William Robinson allegedly observed Heath making "furtive movements near the center console of his vehicle." After placing Heath under arrest for an electronic bench warrant related to a different matter, Robinson noticed a small blue bag on the center console that was consistent with the size and type used for packaging drugs, according to the affidavit.

A subsequent search of Heath's pockets resulted in the discovery of a small bag of white powder, to which Heath said, "I forgot that was there, it is just a little coke," according to the affidavit.

A narcotics detection K-9 sniff search and an officer search of the vehicle later allegedly found the 146 grams worth of bagged heroin, a syringe containing heroin, 16 doses of buprenorphine-naloxone and \$461 in cash, according to the affidavit.

The state has nolle prossed, or dropped, Heath's Rochester charges due to his death Monday.

In reference to the Maine State Police warrant, state police spokesman Steve McCausland said the June 11 chase started in Sanford when Sanford police attempted to stop Heath's car because they knew about Rochester's active drug warrants. McCausland said Sanford and state police ended the chase after a couple of miles due to public safety concerns and the fact that officers had already

identified Heath as the driver.

McCausland said Heath's vehicle was later located at a residence at which Heath was known to reside on Lebanon's Second Street. McCausland said Heath wasn't there at the time, though, because he fled the residence on foot and was likely picked up by a vehicle that transported him out of the area.

A review of Heath's New Hampshire court records shows he was convicted in Rochester District Court in 2015 on two counts of simple assault, as well as a subsequent 2017 probation violation conviction for violating the terms of his 12-month suspended sentence.

Heath's court records also show a conviction for theft by deception (criminal liability for conduct of another) in Rochester District Court in 2017, a misdemeanor willful-concealment conviction in Rochester District Court in 2013, and a misdemeanor driving-after-suspension conviction in Portsmouth District Court in 2013.

Heath had faced a felony second-degree assault charge in Strafford County Superior Court in 2016, although the charge and subsequent 2017 indictment were ultimately dropped in November.

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