

## **AG: Shooting of Rochester man justified - Foster's Daily Democrat (Dover, NH) - October 4, 2018**

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ROCHESTER — City police officers and New Hampshire state troopers were legally justified in their use of deadly force against **Douglas Heath** in Gonic on Aug. 20, state Attorney General Gordon J. MacDonald announced Thursday.

MacDonald and Senior Assistant Attorney General Peter Hinckley said authorities were justified because Heath, 38, placed officers and private citizens in the immediate area in danger when he ignored repeated police orders to drop his pistol, fired multiple rounds in their direction and readied to fire additional shots.

"It was reasonable for each of them to believe that Mr. Heath would continue to use deadly force and continue to place the lives of the officers and the private citizens in the area in danger," said Hinckley. "It was reasonable for the officers to use their own deadly force in order to stop Mr. Heath."

The AG's office released its full 43-page final report on the officer-involved shooting during a press conference Thursday afternoon at Rochester City Hall.

Now that the lengthy investigation has concluded, Hinckley said the state will not pursue criminal charges against the four law enforcement officers involved because they acted in defense of private citizens and themselves. Those officers are Rochester Officer Michael Lambert, Trooper Haden Wilber, Trooper Nathaniel Goodwin and Rochester Detective Geoff Moore.

The shooting occurred around 3:15 p.m. Aug. 20, seconds after Heath crashed his SUV at the corner of Route 125 and Oak Street while trying to avoid arrest on multiple drug warrants, Hinckley outlined Thursday. According to Hinckley, the crash occurred because Heath failed to negotiate the turn onto Oak Street during a "reckless" and "dangerous" two-mile high-speed chase.

Skyeann Sullivan, 20, Heath's daughter and a Rochester resident, attended Thursday's press conference alone, doing so, she said, because she wanted to get closure. Tearfully, Sullivan told reporters she accepts the results of the investigation because her dad shot first, even though she said she's disappointed police didn't use nonlethal tasers to get him to drop his gun.

"They did what they had to, and I can see that," said Sullivan. "I understand my dad's side, and I understand their side, and that's just how the world goes I guess."

One of the most emotional parts of the press conference for Sullivan came as Hinckley broke down in detail two police videos that showed the high-speed pursuit and shooting, as well as a civilian video of the shooting. Those videos, which are graphic, are posted on the state Department of Justice website along with the AG's final report.

Sullivan said the man shown on those videos is nothing like the kind and caring person who helped her in numerous ways while she completed chemotherapy. She said she believes the drugs Heath had in his system at the time of the shooting — confirmed by state testing to be fentanyl, amphetamine and methamphetamine — made him act in an uncharacteristically violent way.

"He wasn't like that beforehand and even on drugs he was still a nice person," she said. "He just didn't know what to do with himself anymore. Drugs took over. That wasn't my dad."

According to the state's investigation, Heath fired a total of four shots, while Lambert, Wilber, Goodwin and Moore collectively discharged 30 shots and struck Heath as many as 15 times.

After Heath climbed out of the passenger side window of his crashed vehicle, he chambered a round within his semi-automatic pistol as officers ordered him to show them his hands and drop the weapon, the videos showed Thursday. Heath then fired two shots about two seconds apart toward Lambert, Goodwin and a civilian vehicle that was stopped alongside the officers 40-50 feet away from Heath. One of the rounds struck that civilian vehicle, a gray pickup truck, and narrowly missed the driver, Hinckley said.

Officers didn't fire until Heath again pointed the gun in their direction, Hinckley said. Police fired almost instantaneously as Heath discharged a third round. The video shows Heath rolling as police gunfire strikes him, during which Heath's fourth and final shot can be seen discharging toward and striking the left side of his own head, Hinckley said.

Between the pursuit and shooting, over a dozen citizen witnesses were interviewed as a part of the investigation, Hinckley said. All of the witnesses said Heath fired multiple shots toward police and civilians before law enforcement shot at Heath, Hinckley said.

"The entirety of the encounter from Mr. Heath and law enforcement (from the crash to the final shot) is about 15 seconds," he said. "This was an incredibly fast-moving, dangerous and volatile event, and decisions had to be made, and were made, in less than a second."

During Thursday's press conference, State Police Col. Christopher Wagner and Rochester Police Chief Paul Toussaint praised the officers' and troopers' quick actions to protect innocent lives despite challenging conditions. They said the officers and troopers acted heroically and courageously while placing themselves in peril.

Wagner also said the "integrity" of the investigators is "without compromise." He said investigators have worked tirelessly over the past two months to reach Thursday's conclusions.

Wagner and Toussaint said their departments want to express their sincere condolences to Heath's family.

"Mr. Heath had family, and it a tragic situation when a life is lost," said Toussaint, looking directly at Sullivan while telling her that he admires her strength for coming Thursday. "Mr. Heath's family members, regardless of the conclusion of this investigation, did not ask for any of this and they are suffering."

