

**ATTORNEY GENERAL OFFICE’S REPORT REGARDING THE
FEBRUARY 19, 2022, OFFICER-INVOLVED SHOOTING INCIDENT IN
WALPOLE, NEW HAMPSHIRE**

I. INTRODUCTION

Attorney General John M. Formella announces the completion of the investigation into the officer-involved shooting incident that occurred in Walpole, New Hampshire on February 19, 2022, that resulted in the fatal shooting of Christopher Tkal (age: 57). The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding the use of deadly force. The findings and conclusions in the report are based upon information gathered during the investigation, including viewing the scene of the incident as well as photographs of the scene, viewing physical evidence from the shooting incident, interviewing witnesses, reviewing video footage, and reviewing court documents and records.

As provided in RSA 7:6, the Attorney General is the State’s Chief Law Enforcement Officer. The Attorney General has the responsibility to ensure that whenever law enforcement officers use deadly force, it is done in conformity with the law. The Attorney General does not investigate or opine on the particular procedures or tactics used by law enforcement 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. When a deadly force incident involves multiple officers, the use of force by each individual officer is examined. Thus, the Attorney General’s review focuses on whether, under New Hampshire law, the use of force was justified because each officer that used force reasonably believed that such force was necessary to defend himself or herself or a third party from what each officer reasonably believed was the imminent use of deadly force.

As outlined in further detail below and based on the investigation of this deadly force incident including eye-witness accounts and the physical evidence documented at the scene, the Attorney General finds that the use of deadly force by New Hampshire State Police Trooper Noah Sanctuary resulting in the death of Mr. Christopher Tkal was legally justified.

II. OVERVIEW

At approximately 11:10 P.M., on February 19, 2022, Cheshire County dispatch received a 911 call from Lisa Marie Tkal (age: 62, DOB: 5/27/1960) of 1461 County Road in Walpole. During the call, Lisa reported that she was in danger after her husband, Christopher Tkal (age: 57, DOB: 3/30/1964) had held a knife to her throat during an argument. At the time of the call, Lisa said she was locked in a first-floor bathroom and believed that Mr. Tkal was in the basement of the home. Further, Lisa advised dispatchers that Mr. Tkal had access to firearms in the basement of the house. The call was relayed to New Hampshire State Police Troop C for dispatch. At approximately 11:30 P.M., New Hampshire State Police Trooper Noah Sanctuary responded to the location followed by Trooper Anthony LaPlaca. Lisa was located inside of her vehicle in the driveway of the home and moved down the road for her safety. While the troopers were on scene, officers from the Walpole Police Department, Bellows Falls Police Department (Vermont) and the Windham County Sheriff's Office (Vermont) also arrived on scene.¹ These officers observed Mr. Tkal standing outside of the front door, looking at several of the responding officers and marked cruisers, and therefore he would have been aware of their presence. At approximately 12:06 A.M., on February 20, 2022, following a standoff between officers and Mr. Tkal, there was a report to dispatch of shots fired. Mr. Tkal was shot four times by Sergeant Sanctuary and was later found deceased inside of the home. No other officers fired their weapons.

On February 22, 2022, Trooper LaPlaca was interviewed by the New Hampshire State Police Major Crimes Unit and this Office. Sergeant Sanctuary was interviewed by this Office on March 7, 2022. Sergeant Sanctuary's name was publicly released on March 16, 2022.

¹ Bellows Falls and Windham County have a mutual aid agreement with Walpole and Cheshire County.

III. THE SCENE

Lisa and Christopher Tkal lived at a private residence at 1461 County Road in Walpole. The home is situated away from the road with a parking pad in front and a curved driveway which ends at a two-car garage located on the right side of the house.



Figure 1 – Google Street View Image of 1461 County Road

The home consists of a first and second floor living space with a finished basement, the garage being located in/on the basement level. On the exterior of the home, there are decks on the first and second floors which are connected and have ground level access. A small fenced in area, appearing to be a dog run is located to the right of the garage. Inside of the fenced area, a door provides access to the garage.



Figure 2 – Photograph showing the exterior of the home at the garage.

A finished room is located at the back of the garage and runs the width of the two garage bays. The room is accessed by doors from either the right or left side of the garage or from the interior of the home. The finished room was described by Lisa Tkal as Mr. Tkal's "man cave." The room contained a sofa, large screen television, bar, and exercise equipment. When officers entered the home through the garage, they found that the bottom panel of the door into the finished room from the interior of the house was broken open.

IV. FACTUAL SUMMARY

A. 911 call

Lisa Tkal called 911 to report that her husband, Christopher Tkal, had threatened her with a knife. At 11:11 P.M., Lisa reported to Cheshire County dispatch that she was locked in the bathroom of their home and believed that Mr. Tkal was in the basement. Lisa reported that both she and Mr. Tkal had been drinking. She went on to tell the dispatcher that she was upset and had kicked in the door to the room where Mr. Tkal was located which escalated an ongoing argument. Mr. Tkal then followed Lisa upstairs into the house and threatened her with a knife. Lisa said that there were other weapons in the house and that Mr. Tkal had fired them before in order to scare her. She believed that the weapons were in the same room where Mr. Tkal was located.

The call was routed to the New Hampshire State Police. While on the phone with State Police, Lisa left the bathroom, and made it to her vehicle which was parked in the garage.

B. Precipitating Argument between Lisa and Christopher Tkal

Following the incident, Lisa Tkal was interviewed by Trooper Anthony LaPlaca at the Keene Police Department. The interview was audio and video recorded. Lisa described the argument between herself and Mr. Tkal which started on the evening of February 18, 2022.

Lisa had seen messages on Mr. Tkal's Facebook account on their jointly used iPad Tablet.² The messages were from a woman and were flirtatious in nature, involving discussions and photographs of the woman in a bubble bath. Mr. Tkal responded to the messages, saying to the sender that it would "be better if I was there." After seeing the messages, Lisa became angry and confronted Mr. Tkal on the morning of February 19, 2022, which resulted in an all-day

² Screen shots of the messages were obtained by NHSP. The messages appear to be from October 18, 2021.

argument. At some point that day, Mr. Tkal went into the basement, and she followed him, breaking open the bottom panel of the door to the room where he was located. She then ran upstairs to her room and Mr. Tkal pursued her with what she described as a big meat cleaver with a white handle. According to Lisa, Mr. Tkal put the cleaver to her throat, pinned her against the wall, and told her that he was going to end it all. Lisa was afraid and told Mr. Tkal to think about their daughter which gave Lisa time to run to the bathroom and lock the door. Lisa then called 911.

In a follow-up interview that same day with Detectives Amanda Johnson and Holly Rae of the New Hampshire State Police, Lisa said that Mr. Tkal was stressed out with work and school as well as pain issues. She reported that his aggression had been increasing in recent days. She confirmed seeing the messages on the iPad on February 18, 2022, and that she confronted him about them on the morning of February 19, 2022. In this interview, Lisa explained that at some point during the argument, Mr. Tkal went into the basement, to his “man cave” while telling her to “drown herself in a bubble bath.” Lisa told officers that she became angry, followed him to the basement and broke open the door to the room. Mr. Tkal opened the door and Lisa ran upstairs, at which time, Mr. Tkal grabbed her, pushed her against a wall, and put the tip of a knife to her neck. Mr. Tkal said something such as “now we’re going to take care of this.” Lisa confirmed that she got away, locked herself in the bathroom, and called 911. When she left the house and went to her car there was an object on her car that fell off when the officers stopped her; she believed it was a mirror.

Lisa and Mr. Tkal had been married for 27 years. She discussed many prior instances of abuse including strangulation, and assaults with a cleaver and a belt. She also discussed Mr. Tkal’s drinking and marijuana use, describing him as a frequent drinker and daily user of marijuana. She indicated that the weapon used during the most recent argument was a cleaver but also referred to it as a white kitchen knife. Lisa described Mr. Tkal as a high-functioning alcoholic but said she was unsure how much he had to drink on February 19, 2022.

C. Police Response

On February 19, 2022, at approximately 11:30 P.M., New Hampshire State Police Trooper Sergeant Noah Sanctuary responded to the dispatcher’s report about the 911 call and arrived on scene at 1461 County Road. Shortly after his arrival, Trooper Anthony LaPlaca also

arrived on scene to see a vehicle driving up the driveway towards the road. Sergeant Sanctuary and Trooper LaPlaca stopped the vehicle and made contact with the occupant who they identified as Lisa Tkal. Lisa told officers that her husband was in the house and that he had attacked her, she expressed fear for her life, and told the officers that both she and her husband had been drinking.³ She further advised officers that she believed her husband was in the basement of the home and that he had guns, she gestured with her hands to show that they were long guns or rifles. Lisa was removed from her vehicle and placed into Trooper LaPlaca's vehicle for her safety, his vehicle was parked on County Road away from the front of the home and away from any potential line of fire.

While the troopers were speaking with Lisa, Officer Joshua Healy from the Walpole Police Department and Officers Craig Watrous and Robert LaBelle from the Bellows Falls, Vermont police department arrived on scene.⁴ These officers positioned themselves on the street, closer to the front door of the home. Dispatch reports from Bellows Falls indicate that the officers were dispatched at 11:25 P.M. and arrived at approximately 11:39 P.M. Cruiser camera footage was recovered from one of the Bellows Falls vehicles which showed the front of the house but did not have audible sound. From the camera footage, it is apparent that there was limited light in the area of the home and that only the front entrance of the house was illuminated.

³ Trooper LaPlaca noted that he could smell the odor of alcohol upon speaking with her.

⁴ During the course of the incident, additional officers from Bellows Falls Police Department including Officer Ian Tuttle as well as additional officers from the Walpole Police Department, Windham County Sheriff's Office (VT), Keene Police Department and State Police arrived on scene. Throughout the incident, Sergeant Sanctuary and others were calling for additional units and attempting to form a perimeter around the home.



Figure 3 – Still Image from Bellows Falls Police Cruise Camera showing the limited lighting conditions.

Officer Healey used a loudspeaker to call out commands to Mr. Tkal who was at an unknown location inside of the home. The officers requested that he exit the house in order to speak with them. Officers saw Mr. Tkal exit the front of house and stand in the yard but he did not speak with officers or follow their commands; officers reported that he had an unknown object in his hands, possibly a beer glass. According to the dispatch report, by approximately 12:02 A.M., Mr. Tkal had turned around and re-entered the house.

After Mr. Tkal re-entered the home, Sergeant Sanctuary and Trooper LaPlaca took up positions of cover and concealment at a pair of trees overlooking the garage area of the home which was on the southeast side of the home around the corner from the front door. Through the windows along the garage doors, they observed a light turn on in the area of the finished room in the basement and lights turn on and off in the garage. No other lights were on inside of the home. Officer Healey continued using his loudspeaker to attempt to communicate with Mr. Tkal.

Trooper LaPlaca left his position and returned to his cruiser to ask Lisa for Mr. Tkal's phone number. He was met at the vehicle by Windham County (Vermont) Deputy Sheriff Mario Checchi. At that time, Lisa told them that she had just spoken to her husband and that he had advised her that he was "just going to end it all." Trooper LaPlaca tried calling Mr. Tkal's number, but the call went unanswered. Trooper LaPlaca then returned to his position next to Sergeant Sanctuary. Deputy Checchi followed Trooper LaPlaca and remained in the tree line

between the officers at the front of the house to his left and Sergeant Sanctuary and Trooper LaPlaca to his right.

Trooper LaPlaca again attempted to call Mr. Tkal. At this time, Trooper LaPlaca was not behind adequate cover, had his rifle slung over his shoulder, and was using his phone on speaker which illuminated him as he made the call. Trooper LaPlaca then looked up from his phone and saw Mr. Tkal⁵ standing in the dark inside of the fenced area to the right of the garage. Mr. Tkal was holding a long black object consistent with the stance of someone carrying a rifle at “low ready” position.⁶ Trooper LaPlaca called out to Sergeant Sanctuary to advise him of the threat, dropped his phone and moved to ready his rifle and take cover. Deputy Checchi reported seeing Mr. Tkal⁷ exit the house and stand at the same corner to the right of the garage. He heard Sergeant Sanctuary say aloud that Mr. Tkal had a long gun. Deputy Checchi reports that both he and Sergeant Sanctuary called out for Mr. Tkal to drop his weapon. He saw Mr. Tkal leave the corner of the house and move to the rear of the residence or what he thought was possibly back into the garage/basement area. He then saw Sergeant Sanctuary illuminate the right garage bay door with a light. Deputy Checchi took cover and then heard several gunshots that he believed were from Sergeant Sanctuary’s rifle. From their position near the front door, Bellows Falls Officers Waltrous, LaBelle, and Tuttle each heard someone call out multiple commands to “drop the gun” and then heard four to five shots from a rifle. As Trooper LaPlaca moved behind a tree and turned to raise his rifle towards the position where he had just seen the male, he heard four gunshots. Dispatch reports from Bellows Falls show that a report of shots fired occurred at approximately 12:06 A.M.

Following the shots, officers lost sight of Mr. Tkal and did not observe any movement from inside of the house. Walpole and Bellows Falls officers continued their efforts to contact Mr. Tkal using the loudspeaker. Additional units were requested including the Keene Police Department’s armored vehicle and the New Hampshire State Police SWAT team.

At approximately 1:08 A.M. on February 20, 2022, the SWAT team arrived on scene to provide assistance. Officers opened the garage door to the home in order to check on Mr. Tkal who had been unresponsive to efforts to speak with him. When the door was opened, officers

⁵ During his interview, Trooper LaPlaca referred to Mr. Tkal as “the male.”

⁶ Meaning that the rifle was held relaxed, pointed at the ground but able to be raised and fired quickly.

⁷ In Deputy Checchi’s report, he refers to Mr. Tkal as “a/the man.”

could see Mr. Tkal lying on the floor just inside a room at the back of the right-side garage bay. Mr. Tkal was not responsive to officers. The SWAT team then used a remote-controlled robot to enter the home and check on Mr. Tkal's condition. With the robot, the team was able to see that Mr. Tkal's rifle was underneath his body, with the muzzle in front of his head and the stock or grip showing between his legs. A thermal camera on the robot device found that Mr. Tkal's body temperature was well below normal. Based on the images obtained from the robot device, officers were able to determine that Mr. Tkal was injured and deceased. Officers then entered the home, secured the scene, and held it pending a search warrant.

D. Trooper Anthony LaPlaca

On February 22, 2022, New Hampshire State Police Trooper Anthony LaPlaca was interviewed by members of the New Hampshire Attorney General's Office and the New Hampshire State Police Major Crimes Unit. The interview was audio-recorded. Trooper LaPlaca has worked for the New Hampshire State Police since 2019. He is currently assigned as a patrol trooper in the NHSP Troop C barracks. At the time of the current incident, Trooper LaPlaca was working from 4:00 P.M. until 1:00 A.M. while covering patrol in Cheshire County due to an officer shortage. He was dressed in his full class B uniform, with a dark green winter jacket. His jacket displayed State Police patches, a gold badge, and gold name tag.

Trooper LaPlaca told investigators that he received a call over dispatch for a domestic incident advising that a husband had threatened his wife with a knife, and that she was in the house and didn't know where her husband had gone. While responding to the scene, Trooper LaPlaca received information that there were weapons inside of the home and that both occupants had been drinking. Trooper LaPlaca arrived on scene just after Sergeant Sanctuary and observed Sergeant Sanctuary standing outside of his cruiser with his rifle. Sergeant Sanctuary signaled that a vehicle was leaving the house. Trooper LaPlaca removed his rifle from the trunk of his cruiser and both he and Sergeant Sanctuary stopped the vehicle. He identified the occupant of the vehicle as Lisa Tkal, and saw she was emotional and yelling. Lisa advised the troopers that her husband, Christopher Tkal had attacked her with a "meat cleaver," that she was afraid, that he was intoxicated, had weapons in the house, and that there was a history of unreported domestic assaults. Lisa told the troopers that the weapons were old, rifle-length guns and that they were located in the basement of the house.

While the troopers were speaking with Lisa, Trooper LaPlaca saw local police cruisers arrive, and observed Mr. Tkal exit the front of the house. The local cruisers used spotlights to illuminate the front of the home. He heard the local officers shout commands at which time, he saw Mr. Tkal look around then quickly go back inside and shut the door. He saw that no lights were on inside the main floors of the house, but saw lights turn on and off in the basement and garage, then remain on in the rear of the basement. Officer LaPlaca does not recall any exterior lighting on or around the garage. He heard local officers began “loud hailing,” using their loudspeakers to ask Mr. Tkal to come out of the house and speak with them.

Sergeant Sanctuary and Trooper LaPlaca took positions of cover and concealment in the trees near the garage entrance.⁸ After some time, Trooper LaPlaca returned to his vehicle to obtain contact information for Mr. Tkal from Lisa. Lisa advised Trooper LaPlaca that she had just spoken to Mr. Tkal on the phone and that he had told her he was going to end it all. When asked, Trooper LaPlaca recalled Lisa saying something to the effect that Mr. Tkal was going to put a bullet to his head. Trooper LaPlaca then called Mr. Tkal using the number provided by Lisa but there was no answer; the call went to voicemail which confirmed that it was the correct number for Mr. Tkal.

Trooper LaPlaca returned to the location by the trees near the garage to speak with Sergeant Sanctuary, and in doing so he stood slightly behind Sergeant Sanctuary. This position did not provide direct cover for Trooper LaPlaca. Sergeant Sanctuary directed Trooper LaPlaca to call Mr. Tkal again. Trooper LaPlaca slung his weapon over his shoulder and began to make the call from his cell phone. While making the call, Trooper LaPlaca observed Mr. Tkal moving in a small fenced in area to the right of the garage with something in his hands. Trooper LaPlaca described the object as black and indicated that Mr. Tkal was holding it with both hands, with his hands near his stomach or waist area. Specifically, Trooper LaPlaca described the position in which Mr. Tkal was standing as a “low ready” or the stance of someone holding a rifle with the barrel pointing at the ground. Trooper LaPlaca dropped his phone and called out to Sergeant Sanctuary that Mr. Tkal was there. Mr. Tkal then stopped moving and appeared to stare in the direction of the troopers. Trooper LaPlaca described being caught off guard that Mr. Tkal was

⁸ Trooper LaPlaca indicated that Sergeant Sanctuary’s location had a direct view into the right bay of the garage while from his location, he could see the exterior door on the right side of the garage bays but not inside of the garage itself.

there, standing at a low ready and facing the troopers; he stated that he was concerned for his safety as he was not behind any cover.

Trooper LaPlaca readied his rifle and moved to obtain cover behind a nearby tree. As he got behind the tree and raised his weapon, he heard four successive gunshots. Sergeant Sanctuary told him that Mr. Tkal had had a long gun and had raised it. Sergeant Sanctuary said that he did not know if he had struck Mr. Tkal, and that he had lost sight of him in the house. Trooper LaPlaca looked but could not see Mr. Tkal. He noted that the side door to the garage, where Mr. Tkal had been standing, was closed.

Trooper LaPlaca stayed at his location until relieved by another officer. Once he was relieved, he drove Lisa to the Keene Police Department where he conducted an audio-video recorded interview as discussed *supra*. He spoke with her to obtain information about the layout of the interior of the house and provided that information to the SWAT unit that was on scene.

E. Sergeant Noah Sanctuary

On March 7, 2022, members of the Office of the Attorney General interviewed Sergeant Sanctuary in the presence of his counsel. The interview was audio-recorded. Sergeant Sanctuary has worked for the New Hampshire State Police since 2016. Prior to working for the State Police, Sergeant Sanctuary was a patrol officer with the Walpole Police Department from 2013 to 2016, and the Chesterfield Police Department from 2008 to 2013. Before working as a police officer, Sergeant Sanctuary served in the United States Marine Corps for five years. Sergeant Sanctuary has been a member of the New Hampshire State Police SWAT team since 2018. He graduated from both the basic and advanced New England State Police Administrators Conference SWAT schools. He graduated from the marksman-observer sniper school in 2019 and was assigned as a SWAT sniper in 2020. In October of 2021, he was promoted to the rank of Sergeant. Sergeant Sanctuary is currently assigned as a shift supervisor in the NHSP Troop C barracks.

On February 19, 2022, Sergeant Sanctuary was working the 4:00 P.M. to 1:00 A.M. shift as a shift supervisor. Dispatch advised that Walpole Police Department needed assistance responding to a domestic violence call. He left the Troop C barracks in Keene and drove to the location at 1461 County Road in Walpole. Dispatch advised that the complaint involved a husband attempting to stab a wife with a knife. The wife was locked in an upstairs bathroom and

the husband was believed to be in the basement. Prior to arrival, he also learned that both individuals had been drinking and there were weapons in the house.

When Sergeant Sanctuary arrived on scene, he observed reverse lights from a vehicle exiting the garage of the home. He stopped the vehicle about halfway up the driveway just as Trooper LaPlaca arrived on scene. Sergeant Sanctuary illuminated the car and saw a woman and a dog inside of the vehicle. The vehicle had a broken frame or mirror on the roof of the vehicle near the driver's side. The woman, later learned to be Lisa Tkal, was taken from her vehicle in the driveway to Trooper LaPlaca's vehicle which was parked on the road. Sergeant Sanctuary advised that as Lisa was secured in Trooper LaPlaca's vehicle, he observed two units from the Bellows Falls Police Department arrive on scene as well as Deputy Sheriff Mario Checchi from the Windham County Sheriff's Office.

Sergeant Sanctuary heard Lisa explain how she had confronted her husband over marital issues, and he attempted to stab her with a butcher knife. She stated that she was in fear for her life and believed he would kill her. She explained that he was located in a finished room in the basement, that she called a man cave. She discussed his access to weapons and described a past argument where he had discharged a gun inside of the home. Specifically, Lisa advised that the guns were kept in the man cave room in the basement. From speaking with her, Sergeant Sanctuary learned that her husband, Christopher Tkal⁹, was the only person remaining in the house. When speaking with Sergeant Sanctuary, Lisa could not remember Mr. Tkal's cell phone number and was unable to locate her phone. Sergeant Sanctuary and Trooper LaPlaca helped her look for her phone but they could not find it. As they were with Lisa, Sergeant Sanctuary heard Bellows Falls officers start giving commands such as "Stop," and "Show me your hands." Information was then relayed to him that Mr. Tkal had come out of the house, looked at officers and then gone back inside.

Although the doors to the garage were closed, Sergeant Sanctuary advised that he could see that lights were on in the basement by looking through the garage door windows. At that time, he took cover behind a tree with a view of the garage and asked officers on the street to keep attempting to contact Mr. Tkal over their loudspeakers. Sergeant Sanctuary requested that other units respond to the address for assistance to aid in setting up a perimeter. He believed that

⁹ During his interview, Sergeant Sanctuary could not recall whether he learned Mr. Tkal's name on the night of the incident; he referred to him as "the male."

it would be necessary to activate the SWAT team due to this becoming a barricaded individual situation.

During his interview, Sergeant Sanctuary expressed concern about the ability of the officers on scene to establish a perimeter because there were multiple decks and exterior doors to the property that could allow Mr. Tkal to surprise officers. Further, Sergeant Sanctuary observed that there were several occupied neighboring houses, in particular, one of those homes was directly in the line of fire should Mr. Tkal engage officers from a position in the garage area of the home.

While looking through the garage door windows, Sergeant Sanctuary could see into the finished area of the basement which was illuminated. He could see movement in the garage and heard noises coming from inside. Trooper LaPlaca reported to him that he had found a cell phone number for Mr. Tkal and was attempting to call the number. While Sergeant Sanctuary remained in his position, he suddenly heard Trooper LaPlaca say words to the effect of “he’s coming out the side door” or “he’s coming out.”

Sergeant Sanctuary explained that what happened next was a very quick series of events. Sergeant Sanctuary moved positions and used a flashlight mounted to his rifle to illuminate the area near the side door next to the garage. He saw that Mr. Tkal was standing just outside the door, looking at Sergeant Sanctuary and Trooper LaPlaca while holding a rifle in a position that Sergeant Sanctuary described as port arms.¹⁰ Sergeant Sanctuary recalled that Mr. Tkal was wearing a gray shirt. When the light illuminated the side yard, Sergeant Sanctuary saw Mr. Tkal move into the cover of the doorway. Sergeant Sanctuary could then see Mr. Tkal standing inside the garage with the muzzle of his rifle raised.¹¹ Sergeant Sanctuary called out that there was a gun to warn the other officers near him. He saw Mr. Tkal walk further into the garage and back towards the finished room. Mr. Tkal then turned to face Sergeant Sanctuary, raised his rifle up, and aimed it in the direction of Sergeant Sanctuary and Trooper LaPlaca. When Mr. Tkal raised the rifle up to fire, Sergeant Sanctuary fired five to six rounds from his rifle through the garage door windows. At the time Sergeant Sanctuary fired, he was aware that the suspect knew his

¹⁰ This position is defined as a person holding a rifle diagonally in front of the body with the muzzle pointing upward to the left. From this position, Sergeant Sanctuary knows that it is easy to quickly shoulder the rifle and fire it.

¹¹ From Sergeant Sanctuary’s description, Mr. Tkal’s position when he first raised his rifle is consistent with the recovery of his rifle scope cover on the floor at the front of the garage.

location, that Trooper LaPlaca was not in adequate cover so was exposed, that Deputy Checchi was close by, and that there was a neighboring residence behind him within range of any potential shots from Mr. Tkal.

Following the shooting, Sergeant Sanctuary lost sight of Mr. Tkal and remained in position in case he came back up to fire from inside the garage or came out of the home from the side door. He heard other officers continue attempting to contact Mr. Tkal over loudspeaker and by calling Mr. Tkal's phone number with no response. He saw no additional movement from inside of the house. Later when additional officers arrived, Sergeant Sanctuary was relieved by another officer.

F. Scene Evidence

The New Hampshire State Police Major Crimes Unit, under the direction of the Office of the Attorney General, searched, processed, and documented the area in and around the house, including the area outside of the home where Sergeant Sanctuary and Trooper LaPlaca had been situated. Investigators obtained a search warrant from the court in order to recover relevant evidence from inside of the home.

Physical evidence recovered on and inside the home revealed that Sergeant Sanctuary had discharged his State Police issued Sig Sauer .223 caliber rifle. This firearm was secured shortly after the incident and ultimately collected as evidence. Based on an examination of Sergeant Sanctuary's weapon and his interview, Sergeant Sanctuary fired six rounds during the incident. Investigators recovered all six spent shell casings from the area in which Sergeant Sanctuary was positioned for cover and concealment. The images below show in yellow the location of where the casings were found in relation to the house and the marked locations of the recovered casings.



Figure 4 – NHSP diagram showing the exterior of 1461 County Road



Figure 2 – Photograph showing the exterior of the home at the garage. The blue circle shows the approximate location from which the casings were recovered.



Figure 5 – Photograph showing the locations of the six recovered casings.

The second window from the right, on the right garage bay door showed evidence of the six shots fired by Sergeant Sanctuary.



Figure 6 – Photograph showing damage to the right garage bay door.

Regarding the rifle that Mr. Tkal was seen shouldering during the incident, the cover for the rifle's scope was recovered at the entrance to the right garage bay door. Mr. Tkal's body was located in the finished room at the rear of the garage. He was laying in an unnatural prone position in the doorway on the right side of the garage bays laying over the rifle as described *supra*. The rifle was recovered from underneath Mr. Tkal's body and was identified as a DPMS Panther Arms Rifle (MAA-6) which was loaded with 29 rounds in a magazine and an additional

one round in the chamber. The rifle was equipped with a 1x40RD tactical scope. The Bureau of Alcohol, Tobacco, Firearms, Explosives (ATF) National Tracing Center report shows that this weapon was purchased by Mr. Tkal on December 17, 2018.



Figure 7 – Photograph showing the recovered Panther Arms rifle

Two additional magazines (MAA-15) for this rifle were recovered from the top of the bar in the finished room at the rear of the garage; each additional magazine was loaded with 30 rounds of ammunition. Also recovered from the top of the bar in the basement was a Beretta PX4 Zoom 9mm handgun (MAA-13) that was loaded with 13 rounds (in a 15-round magazine) and an additional one round in the chamber. The ATF National Tracing Center report shows that this weapon was purchased by Mr. Tkal on November 13, 2014. A loose live 9mm round (MAA-14) was also recovered from the top of the bar.



Figure 8 – Photograph showing the recovered Beretta PX4 pistol



Figure 9 – Photograph showing the recovered magazines

Also recovered from inside of the home were several knives as well as prescription bottles for medication prescribed to Mr. Tkal.

G. Autopsy Results

On February 20, 2022, Deputy Chief Medical Examiner Dr. Mitchell Weinberg conducted an autopsy on the body of Christopher Tkal. Examination of the body found four gunshot wounds, as follows:

- to the head (a deep graze beginning at the front, left side of the head and travelling towards the back of head);
- to the face (the lower nose);
- to the left arm (upper left side of bicep and into the left chest); and,
- to the back (upper central back and exited the right shoulder) with four fragment entry wounds (glass and wood from the garage door through which the bullet passed prior to striking Mr. Tkal).¹²

There was no evidence any of these bullets were fired from close range. Dr. Weinberg found that the most damaging injury was the deep graze gunshot wound to the head which injured the skull and brain. He concluded that the cause of death was multiple gunshot wounds, and that the manner of death was homicide. As used by the Office of the Chief Medical Examiner, homicide is defined as the killing of one person by another.

The external examination of Mr. Tkal's body prior to autopsy found that he was fully clothed. His shirt and sweatshirt had defects in them which corresponded with the gunshot wounds. Three gray metal bullet fragments were recovered from the outer layer of clothing, near his left arm. A bullet fragment was also recovered from the upper right abdominal area; due to the recovery location this fragment was unable to be associated with a specific wound.

Toxicology revealed the presence of ethanol, caffeine, and Delta-9 THC in Mr. Tkal's blood.¹³ Based on the toxicology results, Mr. Tkal had a blood alcohol level of .165, which is more than twice the legal limit to drive in the State of New Hampshire.

¹² The fact that there was a gunshot wound to the back is not definitive evidence of Mr. Tkal's exact positions and movements during the incident. Based on the final location of Mr. Tkal's body and other evidence, it is clear that he turned, moved, and fell during the incident as he was shot.

¹³ As noted in the toxicology report, Delta-9 THC is the principle psychoactive ingredient of marijuana (cannabis, hashish). It is also the active component in the prescription drug Marinol. Investigation did not find any Marinol or prescriptions for Marinol in the home and/or related to Mr. Tkal.

H. Christopher Tkal's Prior History and Criminal Record

At the time of his death, Christopher Tkal was employed as Vice President of Operations for Quality and Patient Safety at the Cheshire Medical Center in Keene. Mr. Tkal had no prior criminal record.

I. Additional Evidence from Cheshire Medical Center/Dartmouth-Hitchcock

On April 6, 2022, information was provided by legal counsel at Dartmouth Hitchcock Hospital regarding items that had been recovered from Mr. Tkal's office at Cheshire Medical Center. These items included a thumb drive containing audio and video files appearing to be self-recorded arguments and incidents of violence between Mr. Tkal and Lisa Tkal. The video record dates appear to pre-date 2022, and the accuracy of the individual dates each video was made cannot be confirmed.¹⁴ Also contained on the drive are personal documents such as mortgage, tax bills and bank statements as well as a proposed divorce settlement written by Mr. Tkal to Lisa on November 17, 2020, which authenticated the content of the drive.

Review of the thumb drive found a series of related, undated videos appearing to capture parts of an argument between Mr. Tkal and Lisa Tkal. While the videos were taken prior to February 19, 2022, they provide some relevant information as to Mr. Tkal's state of mind during the course of a domestic argument. During these videos, Mr. Tkal was seated inside of the finished "man cave" room in the basement of the home at 1461 County Road and Lisa could be heard through the closed door. In one video, Lisa Tkal stated that she "will call the cops," in response, Mr. Tkal stated "Good, let them come, I'll make my final stand right here."¹⁵ Lisa then said, "what you've got a gun, you going to blow the wall out again?" After further conversation, Mr. Tkal again repeated "I will make my final stand." In another video, Mr. Tkal videotaped himself and discussed not being forced out of his home because of false accusations, saying he hoped that other men would stand up for themselves too.¹⁶ Mr. Tkal said that he would "fucking go down in a blaze of fucking glory," and that "he will fucking die here tonight." He ended that video saying "goodnight, goodbye world."

¹⁴ Some of the videos show recording dates in the 1990s, which would pre-date the Tkal's purchase of their home at 1461 County Road in Walpole. However, the videos clearly show the finished room in the basement of 1461 County Road. This could be an error based on the settings of the recording device.

¹⁵ IMG_2397.mov

¹⁶ IMG_2399.mov

The recovered videos also show Mr. Tkal holding a weapon that appears similar in characteristics to the 9mm Beretta PX4 that was recovered in the home on February 20, 2022. In one of these clips, Lisa is heard knocking on the door to the “man cave” room, at which time, the sound of a handgun racking¹⁷ can be heard.¹⁸ Lisa then asked, “is that a gun?” The sound of a trigger being pulled can be heard at least twice during the video, and Mr. Tkal talked to himself about whether he should kill himself. In a different video clip, at 04:07 into the footage, Mr. Tkal appeared to brandish a black semi-automatic pistol.¹⁹



Figure 10 – Image from IMG_2401.mov, in which Mr. Tkal brandishes a pistol.

Finally, in IMG_2405.mov, at 06:53 into the footage, Mr. Tkal appeared to be brandishing the black semi-automatic pistol and had his finger on the trigger, pulling it back several times. The pistol does not appear to have been loaded and did not fire any rounds during the video.



Figure 11 – Image from IMG_2405.mov, in which Mr. Tkal aims at the door and pulls the trigger back several times.

¹⁷ To rack a gun is to grip the slide and pull it all the way back then release it. This action can remove a spent cartridge case if the weapon failed to eject it, cock the hammer backwards and place the firing spring under tension and/or feed a cartridge from the magazine to in front of the slide which renders the weapon loaded and ready to fire.

¹⁸ IMG_2400.mov

¹⁹ IMG_2401.mov

V. APPLICABLE 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. Under RSA 627:5, II (a), a law enforcement officer, like a private citizen, is justified in using deadly force when he/she reasonably believes that such force is necessary to defend himself/herself or a third person from what he/she reasonably believes is the imminent use of 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 weapon capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.

RSA 627:9, II.

Serious bodily injury is defined as "any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body." RSA 625:11, VI. 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). As such, 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 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 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).

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 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”).

VI. ANALYSIS & CONCLUSION

Based on all the facts and circumstances of this case, Sergeant Sanctuary was legally justified when he shot Christopher Tkal as Mr. Tkal raised his rifle to his shoulder and aimed it at the position of Sergeant Sanctuary and Trooper LaPlaca. That is because, at that moment, the threat posed to Sergeant Sanctuary and Trooper LaPlaca by Mr. Tkal constituted the imminent use of deadly force by Mr. Tkal against both troopers.

Mr. Tkal was aware that he was interacting with law enforcement officers that night. Multiple marked police cruisers had arrived at his home, hailed him on loudspeakers asking him to come outside, and tried to call him on his cellphone. Prior to when he aimed his rifle at Sergeant Sanctuary, Mr. Tkal had already stepped out the front door, seen officers who

commanded him to stop and put his hands up, ignored their requests, and gone back inside, closing the door behind him. Prior to firing, Sergeant Sanctuary and Deputy Checchi both yelled commands for Mr. Tkal to stop and to drop his weapon. Throughout this incident, Mr. Tkal's knew his home was surrounded by police.

When he was observed at the front door, Mr. Tkal was not seen to be holding a rifle or armed in any way. This means that it was only after he discovered police at his home that Mr. Tkal chose to go downstairs and retrieve a loaded rifle before going out the side door where he likely knew he would, and did actually, encounter the police. Mr. Tkal's rifle had 29 rounds of live ammunition in the magazine, and one live round already loaded into the chamber, putting the rifle in its most dangerous position of being ready to fire. Obtaining and then carrying the rifle outside to confront officers while armed is not indicative of an intent to peacefully comply with the officers' commands. Instead, it demonstrated that Mr. Tkal intended to escalate the situation further and not cooperate with the officers on scene.

When Mr. Tkal was first seen with the rifle, Trooper LaPlaca was illuminated by the light from his cellular phone as he was attempting to communicate with Mr. Tkal. When officers started yelling commands for him to drop the weapon, Mr. Tkal instead ran inside the garage where he raised and aimed his loaded rifle in the direction of Sergeant Sanctuary and Trooper LaPlaca. Notably, at the time that Mr. Tkal pointed his rifle, the location of the troopers was easily observed due to the light from Sergeant Sanctuary's flashlight which was illuminating the garage. Further, Trooper LaPlaca did not have his own weapon at the ready and he was not behind significant cover. It was objectively reasonable for Sergeant Sanctuary to conclude that Mr. Tkal—in raising and pointing the rifle in the troopers' direction—constituted an imminent threat of deadly force to both Trooper LaPlaca and himself when he shot Mr. Tkal on February 20, 2022. That conclusion was reasonable because he saw Mr. Tkal holding what he believed to be a rifle and believed that Mr. Tkal was readying himself to fire it in his direction. Mr. Tkal's actions, combined with his refusal to obey police commands, led Sergeant Sanctuary to believe that Mr. Tkal was placing the lives of himself, Trooper LaPlace, Deputy Checchi, and the private citizens in the home immediately behind him in imminent threat of deadly force.

Accordingly, based on all the facts and circumstances known to Sergeant Sanctuary at the time he and Trooper LaPlace encountered Mr. Tkal, it was reasonable for him to conclude that Mr. Tkal was about to use deadly force against either the officer or private citizens in the

immediate area behind them. Therefore, no criminal charges will be filed against Sergeant Sanctuary in connection with the shooting of Mr. Tkal.