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NEWS RELEASE

Released by: Attorney General Michael A. Delaney

Subject: January 6, 2011 Officer Involved Shooting in Salem, New Hampshire

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New Hampshire Attorney General Michael A. Delaney announces that the Attorney General's Office has made a preliminary determination that the officer-involved shooting in Salem, New Hampshire on January 6, 2011, was a justified use of force by the three police officers who fired their weapons.

The investigation has revealed that on January 6, 2011, at approximately 10:37 a.m., multiple Salem Police officers were dispatched to a residence located at 155 South Policy Street in Salem to respond to a call from the owner of the residence threatening suicide. Patrolman Ryan Sambataro was working a detail approximately 300 yards away from the home in front of the Soule Elementary School on South Policy Street when he received the dispatch, and was the first to arrive at the residence. While en route, dispatch advised all officers that the caller was Larry Minassian, age 51, and that he was stating that he had a knife and "could not take it anymore." When Patrolman Sambataro arrived, he encountered Larry Minassian in the yard outside his home. Minassian was clutching a Bible in one hand, and held a sword with a blade approximately 12 inches long in his other hand. He was gripping the sword around its hilt beneath the guard, and pointing the tip of the sword towards his own stomach.

Minassian told Patrolman Sambataro that he had "lost his faith", and threw down the Bible. He made repeated comments that the FBI was "after" him, and were trying to frame him for selling drugs out of his home. Minassian continued to hold the sword to his stomach as Patrolman Matthew MacKenzie arrived. As Minassian turned to address Patrolman Mackenzie,

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Patrolman Sambataro noticed that Minassian had a second blade tucked into his waistband at the small of his back with a black handle, which was later found to be a chef's knife with a blade approximately 12 inches in length. The patrolman also saw that the door to Minassian's home was open, and he did not know if anyone was inside, or whether they might suddenly appear.

Minassian moved from his yard into the middle of Playcamp Road, a side road that helps frame the Northwest corner of his property. He continued to hold the knife to his stomach, repeating that the officers "didn't understand," that the FBI was "looking into him," and that "Today is the day." Minassian began to pace back and forth across the width of the road, and refused the officers' commands to calm down and drop the sword. Patrolman Sambataro warned Patrolman MacKenzie about the second blade which was visible in Minassian's back pocket. A nearby civilian witness told investigators that at this point, these two officers had not drawn their weapons and were showing their open hands towards Minassian, trying to calm him down.

Within the next two to three minutes, additional officers were en route to close both ends of South Policy Street to vehicular traffic, while the Soule Elementary School was called and placed into lockdown. A neighbor who was familiar with Minassian, George Finn, happened to drive by before the street was closed and offered his assistance to the officers. Mr. Finn told investigators how he shouted to Minassian from behind the patrolmen, "Larry! It's me, George!" and told Minassian to drop the sword and explain what was wrong. Minassian failed to even acknowledge Mr. Finn's presence, and after a few moments, Mr. Finn backed away from the scene. Meanwhile, patrolman MacKenzie radioed back to dispatch that Minassian was holding the sword to his stomach shortly before Salem Patrolmen Michael White, Rick Nicosia, and Michael Bernard began to arrive, along with Detective Eric Tine, Sergeant Joel Dolan, and Lieutenant Jim Chase.

The officers met in the area around Patrolman MacKenzie's car, which was parked perpendicularly outside Minassian's home in the middle of the intersection of South Policy Street and Playcamp Road. Lieutenant Chase, Sergeant Dolan, and Patrolman Mackenzie were on the north side of the vehicle, while Detective Tine, Patrolmen Sambataro, White, Nicosia, and Bernard were on the south side of the vehicle. Minassian stopped pointing the sword at his stomach, but continued to pace back and forth. He also began gesturing with the sword as he maintained the same grip on its handle. Minassian continued to yell that, "Today is the day!" and that the FBI was trying to frame him for crimes he did not commit. At this time, Detective Tine, and Patrolman White had their firearms drawn and pointed in a low and away position, while Lieutenant Chase took command of the conversation with Minassian. Lieutenant Chase held a TASER electroshock device at this time, as did Patrolman Bernard. Sergeant Dolan initially drew his firearm, but repeatedly holstered and unholstered it as he switched from issuing commands to the other officers. Salem Fire Department rescue and emergency personnel positioned themselves approximately 150 yards away to be ready to offer any aid if requested.

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Lieutenant Chase took control of the dialogue between Minassian and the officers. He explained to Minassian that they were not there to hurt him, and to put the sword down so they could talk. However, Minassian did not respond to Lieutenant Chase. Patrolman MacKenzie warned the newly arrived officers about the second knife in Minassian's back waistband. Lieutenant Chase continued to tell Minassian things like: just relax, drop the sword, we're not going to arrest you, you just need to tell us what's going on. After approximately a minute of additional conversation, Minassian started moving directly towards Lieutenant Chase, still clenching the sword in his hand. Multiple officers yelled out for Minassian to drop the knife, stop moving, and back away. At this time, Patrolman MacKenzie drew his firearm and aimed it at Minassian, as did the other officers who had already drawn their weapons. Minassian responded to the officers' commands and suddenly stopped moving. He then backed up and began pacing back and forth across Playcamp Road, continuing to clutch the sword in his hand. The officers lowered their weapons after Minassian stopped moving towards Lieutenant Chase.

Minassian continued to yell out statements such as: "They're after me," "You don't understand," "You can't help me," and that he was being investigated for selling drugs. Lieutenant Chase responded by telling Minassian that he was not under investigation, and that he knew Minassian wasn't selling drugs since he was the head of the department's investigation services unit. Lieutenant Chase told Minassian that they could get him to a hospital to talk with someone, but that he just had to put the sword down. Meanwhile, Sergeant Dolan radioed to have a less-than-lethal beanbag device brought to the scene, while Patrolman Sambataro was sent over a fence holding a TASER device so he could position himself behind Minassian and the immediately adjacent homes on Playcamp Road. Sergeant Dolan also asked aloud for an officer to be ready to handcuff Minassian should it become necessary, and both Patrolmen MacKenzie and Nicosia responded.

At that moment, Minassian stopped yelling and turned towards the group of officers to the south of Patrolman MacKenzie's cruiser.¹ The officers were approximately 40 feet away from Minassian at the time. Minassian raised the sword to his head so that the tip was pointing down and in front of him, sprinted for this group of officers, and screamed. The entire group of officers almost simultaneously repeated their order to drop the sword, but Minassian continued his sprint. In response, Sergeant Dolan, Detective Tine, and Patrolman White discharged their firearms multiple times at Minassian when he was approximately 10 feet away from the officers. Minassian was struck by bullets from the two handguns and one rifle in the torso, hip, and left leg and dropped to the ground approximately 8 feet away from the officers. Lieutenant Chase had also fired his TASER during Minassian's charge at the officers, but at least one prong of the device missed Minassian, so no electric shock was delivered. Patrolman MacKenzie approached and kicked both the sword and the knife away from Minassian, who had dropped them on the ground. Minassian was handcuffed and emergency medical personnel were immediately waived over to begin treating his injuries at the scene. Minassian was later

¹ This group included Detective Tine, and Patrolmen White, Nicosia, and Bernard.

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transported to a hospital for treatment where he remains in serious but stable condition. No Salem police officer was physically injured during the incident.

Immediately after the shooting while emergency medical personnel were treating Minassian's wounds, Sergeant Dolan ordered the officers not to touch anything and immediately holster their weapons. The Salem Police secured the scene of the shooting and, in accordance with established protocol, the New Hampshire Attorney General's Office and the New Hampshire State Police Major Crime Unit were notified of the incident. Members of the New Hampshire Attorney General's Office and the New Hampshire State Police Major Crime Unit arrived and conducted interviews while the scene was processed for evidence. The evidence recovered included the sword and the kitchen knife carried by Minassian during the incident.

Under RSA 627:5, II (a), a law enforcement officer is justified in using deadly force only 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). That means that in deciding whether a person acted in self-defense, all the circumstances surrounding the incident should be considered. See State v. Leaf, 137 N.H. 97, 99 (1993); Aldrich v. Wright, 53 N.H. 398 (1873). In addition, the actor's conduct should be viewed "under 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.

The New Hampshire State Police Major Crime Unit has interviewed the Salem Police officers at the shooting, including the three officers who discharged their weapons, as well as present civilians in the area who witnessed some or all of the incident. In addition, preliminary analysis of evidence collected at the scene has been completed, including the recovery of shell casings, spent bullets, the officers' weapons, and Minassian's weapons. Following a review of that evidence, the Attorney General's Office has concluded that Sergeant Joel Dolan, Detective Eric Tine, and Patrolman Michael White were justified in using deadly force against Larry Minassian.

Minassian was armed with two deadly weapons throughout his encounter with the Salem Police officers. At no time during the incident did he drop his weapons or completely back down from his confrontation with the police. In addition, Minassian made several statements prior to and during the incident indicating that he meant to harm himself and might possibly harm the officers, stating "Today is the day."² Two of the police officers heard Minassian say words to the effect of: You're going to have to shoot/kill me. Finally, Minassian moved towards the Salem Shooting Incident

² Preliminary investigation has also revealed that Minassian may have been trying to prompt the officers into killing him because he wanted to end his life but could not do so himself.

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officers on two separate occasions while armed with both weapons and only backed down the first time. The second time he continued to charge the officers and only when he failed to stop and was within approximately 10 feet of the officers did those officers fire their weapons at Minassian. In light of all of Minassian's conduct, including his being armed with two weapons and his failure to comply with orders to drop his weapons, Sergeant Joel Dolan, Detective Eric Tine, and Patrolman Michael White were justified in using deadly force against Larry Minassian from what they reasonably believed was Minassian's imminent use of deadly force.

A comprehensive written report concerning the investigation of this incident will be issued in the future.

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