Alton officer ruled justified in firing gun at passing car

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ALTON — The Belknap County Attorney has ruled that a local police officer was justified in firing his gun at a speeding car that was approaching the scene of an accident on Route 140 about 8 p.m. Feb. 25.

Belknap County Attorney Melissa Guldbrandsen said Tuesday that Alton Police Officer Michael Beauchamp, who was in the area investigating a drunkendriving crash that happened about an hour earlier, could have made a safer decision than to shoot once at the car.

Guldbrandsen said Beauchamp didn’t know when he fired whether the driver, Erik Klerk, 50, of Alton, had passengers. Neither man was injured, she said, but had there been passengers, someone could have been hurt.

However, she said Beauchamp was in fear for his life.

“It was his belief that his actions would in fact cause Klerk to slow down and stop. When Klerk didn’t slow or stop, the officer believed that he would be hit. It was not unreasonable to infer that the driver posed an imminent threat of deadly force,” she said.

The bullet hit the car, which police said Klerk was driving erratically, and was found lodged in the front door.

Beauchamp got into his car and managed to stop Klerk, who was arrested later on a charge of aggravated driving while intoxicated by Gilford police, who had been called by Alton authorities to assist. A breath test showed Klerk had an alcohol level of .26, more than three times the limit in New Hampshire, Guldbrandsen said.

Guldbrandsen said the officer shot into the side of the car as it passed him, not at the driver.

“It is clear that the officer stepped out into the lane of travel in an effort to slow down and/or stop E.K. with the intention of protecting the previous accident scene and the people there,” Guldbrandsen said.

But Guldbrandsen also said Beauchamp had placed himself in the travel lane.

“There was no evidence that (Klerk) was intentionally trying to hit the officer,” she said.

By state law, Guldbrandsen said, an 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.

“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,” she said.

“Taking all of this into consideration, although the call is close, the use of deadly force in this case was justified,” she said.

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