Memo: Officer’s use of force unjustified

BELMONT — The Belknap County Attorney said a town police officer who fired five shots at a wanted man’s car as the man fled was not justified in doing so.

County Attorney Melissa Gulbrandsen, who has been investigating the Oct. 28 incident, said Belmont police officer Patrick Riley did not need to fire the shots.

“The call is close, but given the state law, and all of the circumstances of this case, it is difficult to conclude that the discharge of the firearm was reasonable,” Gulbrandsen said in a memo.

No charges will be filed against Riley, Gulbrandsen said. Moon was eventually arrested by Tilton police on Nov. 21.

On Oct. 28, Riley pulled over a gray 2007 Toyota Camry police said was driven by Hayden Moon, 24, of Gilmanton, along South Road in Belmont. It was around 1 a.m. Riley, through his dispatch, learned that Moon was wanted on an electronic bench warrant that required $1,000 cash bail. Riley told Moon he was under arrest, and tried to pull him from the car.

“Instead of complying with the arrest, Moon rapidly shifted the car into drive and accelerated away. Officer Riley was stuck between the door and the car and was dragged at least 100 feet,” Gulbrandsen said. Riley drew his Glock .9 mm pistol and fired five shots at the vehicle. All missed.

Riley told investigators that he attempted to stop the fleeing vehicle using deadly force because Moon “had shown disregard for the officer’s safety, and would likely show that same disregard for any other motorist he encountered on the road.”

“While that seems reasonable, given the time of day and the rural character of the road, encountering an oncoming motorist was unlikely,” she said.

Gulbrandsen said she considered many factors.

In the memo, she wrote: “...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 wrote.

But she said “lesser force, such as attempting to disable the vehicle, may have been more appropriate.”

“As such the officer’s force was not in proportion to the possible threat of future harm posed by Moon,” she said.

Riley and Belmont police did not comment on the decision when asked Tuesday.

— Dan Seufert, Union Leader Correspondent