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BRATTLEBORO POLICE OFFICER JUSTIFIED IN USE OF DEADLY FORCE

Attorney General William H. Sorrell announced today that his office has completed a review of a police officer involved shooting incident that occurred on April 4, 2014, in Brattleboro, Vermont. The office has concluded, as a matter of law, that Brattleboro Police Sergeant Mark Carignan was legally justified in the use of deadly force when he twice shot Michael Santiago with his shotgun. The legal standard for the use of deadly force is whether the officer reasonably believed that he or a third party was in imminent danger of death or serious bodily injury, and that deadly force was necessary to respond to that threat.

The incident began during the early morning hours of April 4, 2014, when several Brattleboro Police Department officers were executing a search warrant of Room 301 at the America's Best Inn in Brattleboro. Amanda Piermarini and Michael Santiago were staying in Room 301. The search warrant authorized the officers to search for and seize both Santiago, for suspected violations of his conditions of release in two pending prosecutions, and heroin. Prior to the execution of the search warrant, the officers received information from law enforcement in a neighboring jurisdiction indicating that Piermarini and Santiago may have recently acquired several firearms. Furthermore, several of the officers, including Carignan, were aware of a previous incident during which Santiago possessed a knife and resisted arrest.

During the execution of the search warrant, the officers unlocked the door to Room 301 with a lock override device the Inn provided. They were unable to fully open the door, however, because the door's additional chain lock was engaged. When the officers opened the door as much as possible, Sgt. Carignan observed Santiago move towards a dresser located in the back of the room. At this point, Carignan shouted "Police Search Warrant." In response, Santiago slammed the door shut. The officers reopened the door with the assistance of a ram. Once the door was open, Carignan repeatedly directed Santiago to show the officers his hands. Santiago ignored these commands and kept his right hand concealed behind his back. Several of the officers stated it appeared as though Santiago was holding or manipulating something. Carignan then warned Santiago that if he did not comply with the instructions to show the officers his hands, he may be shot. In response, Santiago advanced towards the officers while moving his right shoulder and arm – an officer described the motion as being consistent with drawing a firearm. When Santiago did so, Carignan shot him twice with his shotgun. After this occurred, Carignan summoned rescue and the officers took Piermarini into custody without incident. Piermarini confirmed these facts during her interview with law enforcement. Santiago subsequently died on scene as a result of his injuries. During a search of Room 301, law enforcement located 10 bags or 1 bundle of heroin inside of Santiago's boxer shorts, as well as several bundles of heroin and over \$2,000 cash inside the dresser. Law enforcement did not locate any firearms.

As part of the investigation into this incident, multiple interviews were conducted, including interviews of the officers who executed the search warrant, Piermarini, and other individuals staying at the Inn. Additionally, the Vermont State Police Crime Scene Search Team was involved in the investigation. Finally, the Vermont State Police collected various

photographs, reports from the officers, the rescue personnel, and the medical examiner, as well as other miscellaneous documentation.

Under the facts of this case, the Attorney General's Office concluded that Sgt. Carignan was reasonable in his belief that he and the other officers executing the search warrant were in imminent danger of death or serious bodily injury when he fired at Michael Santiago. Given what reasonably appeared to be a serious threat to his life and to the life of the other officers, Sgt. Carignan's response of using deadly force was reasonable and justified. The Bennington County State's Attorney's Office has completed a separate and independent review of the investigation and has reached the same conclusion.