

**ATTORNEY GENERAL’S REPORT REGARDING THE
APRIL 29, 2025 OFFICER-INVOLVED SHOOTING
IN KEENE, NEW HAMPSHIRE**

I. INTRODUCTION

New Hampshire Attorney General John M. Formella announces the completion of the investigation into a police officer use of deadly force incident that occurred during an encounter in the area of Colby Street and Baker Street in Keene, New Hampshire on April 29, 2025. During the incident, Keene Police Officer Jake Dube fired one shot at Cullen Costa (age 25). Mr. Costa survived his wound. The purpose of this report is to summarize the Attorney General’s factual findings and legal conclusions regarding that use of deadly force against Mr. Costa.¹ The findings and conclusions in this report are based upon information gathered during the investigation, including recorded witness interviews, video recordings of pertinent events, and official reports generated during the investigation.

As provided in RSA 7:6, RSA 21-M:3-b, and RSA 21-M:8, II(a), the Attorney General is the chief law enforcement officer in the state of New Hampshire. The Attorney General has the responsibility to ensure that whenever a law enforcement officer uses deadly force, it is done in conformity with the law. When the Attorney General reviews the use of deadly force by a law enforcement officer, he does not investigate or opine on the particular procedures or tactics used by the officer. Instead, the Attorney General’s review consists of a criminal investigation, which is limited to determining whether the involved officer complied with the applicable law.

¹ Although Mr. Costa did not die from the shooting, under the law Officer Dube used deadly force against him and inflicted a serious bodily injury. The legal definition of “deadly force” includes acts that “create a substantial risk of causing death or serious bodily injury.” RSA 627:9, II. “Purposely firing a firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” *Id.*

After completing an investigation of the incident, and the conclusion of the criminal charges brought against Mr. Costa stemming from the incident, Attorney General Formella finds that Officer Jake Dube was legally justified in using deadly force against Cullen Costa on April 29, 2025, as Mr. Costa walked towards Officer Dube and raised his gun as if to fire, while ignoring Officer Dube's repeated commands to stop and drop the gun.

II. SUMMARY OF THE FACTS

On April 29, 2025, at approximately 2:57 p.m., the Keene Police Department received a 911 call. The caller, later identified as Cullen Costa himself, reported that a suspicious person was walking up and down the road and staring at his house, in the area of Colby Street and Baker Street in Keene, New Hampshire. Mr. Costa described the suspicious person as a white man in a red t-shirt.

Officer Jake Dube responded to the area to search for the suspicious person. During his search, Officer Dube encountered Mr. Costa, who identified himself as the 911 caller. While speaking with Officer Dube, Mr. Costa took a gun out of his pocket. After Officer Dube took cover, Mr. Costa pointed the gun at Officer Dube before lowering it and walking towards Officer Dube, slowly raising the gun again. Officer Dube fired one shot, striking Mr. Costa.

After the incident, Mr. Costa was immediately transported to a hospital for medical attention. Mr. Costa survived and was later charged with criminal offenses for his actions.²

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² The Cheshire County Attorney's Office prosecuted the case, which is now complete.

III. INVESTIGATION

A. Interview with Officer Jake Dube

Investigators conducted a recorded voluntary interview with Officer Jake Dube. Officer Dube is a full-time officer with the Keene Police Department, and has been with the department for 3 years at that time. During the interview, he provided the following information.

On April 29, 2025, Officer Dube was on duty, assigned to patrol the south side of Keene, including the area of Colby Street and Baker Street. He was in full uniform, including a body-worn camera. While Officer Dube was at the police station, a 911 call came in from 16 Colby St. Officer Dube was informed that the reporting party stated there was a white male in a red shirt, walking around the front of his house, “eyeballing” the house. Officer Dube noted that the name of the reporting party was listed on the call log as Cullen Costa, someone he was not familiar with. He responded to the area in his fully marked cruiser and attempted to locate the person described by the caller.

Officer Dube searched the area, but did not see anyone matching the description of a white male in a red shirt. As he drove up Colby Street towards Baker Street, travelling north, he saw a man standing on the sidewalk near the intersection of Colby and Baker. Although the man was not wearing a red shirt, Officer Dube stopped his cruiser and spoke with the man through his cruiser window on the driver’s side, from a distance of about 10-15 feet away. The man he spoke with, later identified as Cullen Costa, identified himself as the 911 caller.

Officer Dube had a short conversation with Mr. Costa, and told him that he would continue searching the neighborhood for the suspicious person Mr. Costa had reported. As they spoke, Mr. Costa pulled a gun from his pocket and held it in a low-ready position, by his waist. Although the gun was not pointing at him, Officer Dube immediately told Mr. Costa to put the

gun down. Mr. Costa ignored repeated commands to put the gun down. Mr. Costa did not acknowledge Officer Dube's commands, and instead looked down at the gun, and then back up at Officer Dube, in a repeated pattern.

Fearing for his safety, Officer Dube drove his cruiser forward through the intersection, turning slightly right onto Baker Street. He stopped his cruiser in the middle of the street at an angle, so that it would provide cover for him. As he did so, he radioed for assistance, reporting that he was with a white male with a gun on Colby Street. Officer Dube exited his cruiser and went to the rear. From there, he could see that Mr. Costa had moved a short distance from the sidewalk into the street, still holding the gun in his hand.

Officer Dube repeatedly ordered Mr. Costa to drop the gun. Mr. Costa did not say anything or otherwise acknowledge Officer Dube, but he did put the gun on the ground by his feet. Officer Dube told Mr. Costa to step away from the gun and that they could talk about this. Mr. Costa did not respond or move at all. He then picked the gun back up, and assumed a shooter's stance, holding the gun up in both hands at chest level, pointing the gun at Officer Dube.

Officer Dube retreated quickly behind his cruiser. As he looked at Mr. Costa, Mr. Costa then lowered the gun to the low ready position³ and was holding it with one hand. Officer Dube gave repeated commands to drop the gun, telling Mr. Costa that he did not want to shoot him but that he would shoot him if he didn't drop the gun. Mr. Costa began slowly walking towards Officer Dube continuing to hold the gun, ignoring Officer Dube's commands.

³ Low ready position refers to the gun being gripped by the handle with the muzzle being pointed in a generally downward direction, but from which the barrel of the gun may easily be raised up to point at an intended target.

As Mr. Costa continued walking towards Officer Dube, still holding the gun, Officer Dube felt that it was necessary to fire at Mr. Costa to stop the threat. At the time Officer Dube fired, Mr. Costa had closed the distance between them to approximately 7-10 feet between them. Officer Dube saw Mr. Costa fall to the ground after the shot. Officer Dube approached Mr. Costa and continued telling him to drop the gun. He then placed Mr. Costa in handcuffs and called for medical assistance. As he did so, other officers arrived to assist, and Officer Dube was taken away from the scene by medical personnel shortly afterwards.

Officer Dube told investigators that he believed Mr. Costa posed a significant threat to him at the time that he fired. He stated that he felt Mr. Costa could have shot him at any time as Mr. Costa continued to close the distance between them.

B. Body-Worn Camera Footage

On April 29, 2025, Officer Dube was wearing a body-worn camera that captured the event. Relevant footage from that camera begins at 3:14:41 P.M. into the records, when Officer Dube was still in his cruiser. The footage shows that Officer Dube is driving for approximately 15 seconds before parking his cruiser in the middle of Baker Street, just north and east of Colby Street. Officer Dube then exits his cruiser, walking around the rear of the vehicle. As he comes around the driver's side rear panel, he turns to his left, looking back down Colby Street.

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The footage shows Mr. Costa wearing light-colored pants and a dark-colored jacket, standing in the street across the intersection from Officer Dube. Mr. Costa at that time appears to have both hands on or near his head.

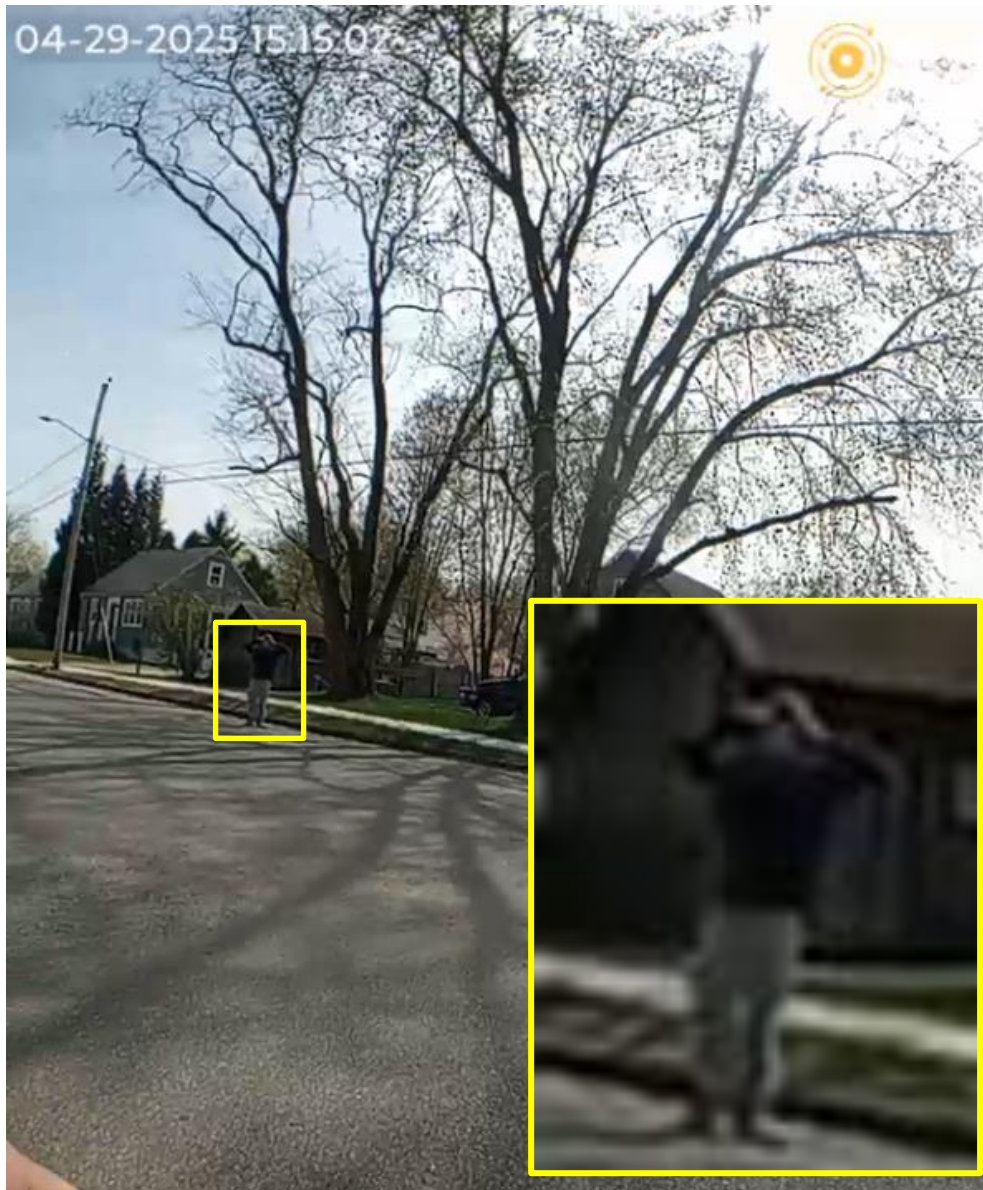


Figure 1: Initial View (Mr. Costa Highlighted and Enlarged)

Officer Dube begins walking towards Mr. Costa, gesturing with his left hand.



Figure 2: Approach (Mr. Costa highlighted)

As Officer Dube approaches, Mr. Costa is seen dropping his hands and reaching toward an object lying on the ground near his feet. As he does so, Officer Dube raises his gun, points it at Mr. Costa, and quickly retreats towards his cruiser.



Figure 3: Mr. Costa Reaching Down (Mr. Costa highlighted)

As Officer Dube reaches his cruiser and positions himself behind it, his body-worn camera begins recording audio.⁴ Officer Dube yells “put it down” twice, before using his radio to inform other officers that he has Mr. Costa at gunpoint. Although difficult to see because of obstructions from Officer Dube’s arms, footage shows that Mr. Costa appears to bring his hands up from the ground and moving in Officer Dube’s direction as Officer Dube retreats.

Officer Dube continues to instruct Mr. Costa to “put it down” while positioned behind his cruiser, with his gun drawn. While Officer Dube is in this position, the camera’s view is obstructed by the cruiser, and does not show Mr. Costa. After several commands to “put it down” and “please buddy put it down,” Officer Dube suddenly retreats further behind his cruiser, and his commands to “put it down” increases in volume.



Figure 4: Camera view obstructed by cruiser

⁴ All previous footage is video only, with no sound.

After a few seconds, Officer Dube returns to his original position, and continues commanding Mr. Costa to put it down. After several commands, Officer Dube yells “drop the gun or I’m going to shoot you! Drop the gun! Drop it!” He then fires one shot. Immediately after firing, Officer Dube yells “drop it! Drop the gun! Drop the gun!” He then reports “shots fired” over his radio as he lowers his gun and approached Mr. Costa, who at that point is lying on the ground. Mr. Costa’s gun is seen laying near his feet as Officer Dube approaches him. Officer Dube pushes the gun away from Mr. Costa. Officer Dube and other officers then handcuff Mr. Costa and call for medical attention.



Figure 5: Officer Dube’s approach after shot fired (Mr. Costa highlighted. Mr. Costa’s gun can be seen in the bottom left corner)



Figure 6: Mr. Costa's gun on the ground

As Officer Dube is seen assisting other officers in handcuffing Mr. Costa, an officer asks him what happened, and Officer Dube replies "I just shot him." Officer Dube then walks away from Mr. Costa, and is approached by another officer, who asks "did you shoot him?" Officer Dube replies "yes," and states a few seconds later "I had to." As he walks away, Officer Dube picks Mr. Costa's gun up from the ground, and immediately places it on the hood of a police cruiser at the instruction of another officer. Officer Dube is then led away by other officers before the video ends.

C. Video from Witnesses

Investigators gathered additional video footage of the incident from the resident of a nearby home on Baker Street. The resident stated that they were on their front porch when they noticed a police cruiser in the neighborhood. They recorded a video of the interaction between Officer Dube and Mr. Costa using their iPhone, and later provided it to investigators.

The video content captures the same sequence of events captured by Officer Dube’s body worn camera. At the beginning of the video, Mr. Costa is seen standing in the street with his hands on or near his head. The video shows that as Officer Dube exited his cruiser, he issued repeated demands to Mr. Costa, yelling “back away from that, back away, Cullen, put it down, back away.”



Figure 7: Mr. Costa standing, with hands raised

As Officer Dube made these commands, Mr. Costa slowly reached toward his feet and picked up a gun from the ground with his right hand. Officer Dube continued to command Mr. Costa to back away and put the gun down, with increased volume.



Figure 8: Mr. Costa retrieving his gun from the ground and holding it in his right hand

Despite Officer Dube's commands, Mr. Costa began slowly walking towards Officer Dube. Officer Dube was then seen positioned behind his cruiser, with his gun drawn and pointed at Mr. Costa. At one point, Mr. Costa stopped and raised his gun, holding it with both hands at chest level, pointing it at Officer Dube.



Figure 9: Mr. Costa pointing a gun at Officer Dube

As Officer Dube continued to yell commands to put the gun down, Mr. Costa lowered the weapon to his side, but did not drop it. Mr. Costa then continued walking slowly toward Officer Dube. As he walked, Mr. Costa slowly raised his gun from its position at his side, bringing it up so that it pointed in Officer Dube's direction. Officer Dube remained positioned behind his cruiser, with his gun drawn and pointed at Mr. Costa. Officer Dube continued to yell commands

to put the gun down, while Mr. Costa continued to close the distance to Officer Dube and raise his gun up and at Officer Dube.



Figure 10: Mr. Costa approaching Officer Dube while raising his gun, shortly before Officer Dube fired (gun highlighted)

As Mr. Costa continued walking, Officer Dube fired one shot. Mr. Costa dropped his gun and fell to the ground. Officer Dube and other officers then began moving towards Mr. Costa.

D. Witness Interviews

Investigators spoke with another resident who resides at a nearby address on Baker Street in Keene. The resident stated that she was on the third floor of her home when she heard shouting, looked through her third-floor window, saw a man on the sidewalk with a gun, and then went down to her second-floor porch where she saw the entire scene play out.

The resident stated that she saw “the cop over there, you know, time and time and time again telling him [Costa] to drop the weapon, drop the weapon, drop the gun, if you don’t drop the gun I’m gonna have to shoot,” and stated that the man with gun “wouldn’t put the gun down,

he wouldn't stop walking towards the officer." She stated that "it looked like he was threatening to shoot himself...before he started like obviously marching toward the officer."

The resident stated that the officer "warned the person clear as day multiple times over and over and he just wouldn't listen." She described the shouting she heard as "aggressive" and stated that the man with the gun was "obviously not complying...[and he had] no interest in complying." The resident further stated that "the officer gave him plenty of warning and he just wouldn't stop, and so one shot and he fell to the ground." She described the whole interaction as "quick."

E. Interview with Cullen Costa

Following recovery from his gunshot wound, Cullen Costa spoke with investigators about the incident on August 13, 2025. Mr. Costa was represented by counsel during the interview, which was conducted pursuant to a proffer agreement. Under the terms of the agreement, the information Mr. Costa provided during the interview could not be used against him, either directly or indirectly, in any criminal proceeding, so long as he was truthful. Mr. Costa's interview was not provided to the prosecuting authority handling the criminal case against him.

Mr. Costa stated that he was suicidal on April 29, 2025. That morning, while at his home on Colby Street, he made attempts to end his life by shooting himself but his gun would not fire. He developed the intention to commit "suicide by cop," by threatening a police officer to cause the officer to shoot and kill him. Mr. Costa called 911 and made the false report of a suspicious individual near his home for this purpose.

Mr. Costa stated that he intended to unload the ammunition from his gun before he used it to threaten the officer because he had no intent to harm the officer, however, he forgot to do so. When Mr. Costa saw the officer drive by his home in response to his 911 call, he went outside

and spoke to the officer from the sidewalk while the officer was still in his cruiser. During this conversation, Mr. Costa removed his gun from the front pocket of his sweatshirt.

Mr. Costa's description of the event mirrored the accounts of Officer Dube, the two nearby residents, and the available video footage. After Mr. Costa pulled out his gun, the officer drove up the street a distance, stopped in the middle of the street, and exited his cruiser. The officer took cover behind the cruiser. Mr. Costa stated that he pointed the gun at the officer, before putting it down on the ground in response to the officer's commands because he was in mental turmoil. He later stated that he felt guilty about his course of action. He admitted that he then picked the gun up and began walking toward the officer and raised the gun because he believed that it would achieve his goal of dying that day by causing the officer to shoot and kill him.

Mr. Costa confirmed that the officer issued numerous commands to put the gun down or he would shoot. Mr. Costa believed that the officer was trying to defuse the situation.

F. Physical Evidence

Investigators recovered Mr. Costa's gun from the scene.⁵ The gun had a 10-round capacity magazine, containing one live 9 mm round. Investigators also recovered one fired 9 mm cartridge casing and one spent bullet from the scene, consistent with Officer Dube having fired his single gunshot.

IV. APPLICABLE LAW AND 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. RSA 627:5, II, delineates when a

⁵ Mr. Costa's gun was not manufactured by a traditional weapons manufacturer, but instead is composed of gun components that are available online and can be combined to form a functional firearm. The gun does not have a serial number.

law enforcement officer is justified in using 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 firearm capable of causing serious bodily injury or death in the direction of another person . . . constitutes deadly force.” RSA 627:9, II.

Under RSA 627:5, II(a), a law enforcement officer is justified in using deadly force “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). Further, all the circumstances surrounding the incident should be considered in determining whether there was a reasonable belief that deadly force was necessary to defend oneself 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 Supreme 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) (same).

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-MARRA, 2013 U.S. Dist. LEXIS 44646 *55-56 (S.D. Fla. March 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.”).

These are the legal standards that help guide the Attorney General’s review of the use of deadly force by a law enforcement officer in New Hampshire.

V. ANALYSIS AND CONCLUSION

Officer Dube's use of deadly force against Mr. Costa was justified. Officer Dube was confronted with a situation that began as a conversation with Mr. Costa, and quickly escalated when Mr. Costa removed a gun from his pocket. At the time, Officer Dube was seated in his cruiser with the window down, speaking to Mr. Costa from a distance of about 10 to 15 feet. Officer Dube had no cover, and felt that he could be killed. He drove his cruiser ahead some distance before exiting and using the cruiser as cover.

After retreating behind his cruiser, Officer Dube gave repeated, clear instructions to Mr. Costa to put the gun down. Mr. Costa did not acknowledge any of Officer Dube's commands. Although Mr. Costa put the gun down on the ground at one point, he did nothing else to signify that he was willing to stand down. Instead, he picked the gun up and assumed a shooter's stance, holding the gun with two hands and pointing it at Officer Dube. After Officer Dube took cover, Mr. Costa lowered the gun but began slowly walking towards Officer Dube, ignoring continued commands to drop the gun. As Mr. Costa began to raise the gun, still moving towards Officer Dube, Officer Dube fired.

Witness accounts, video footage, and Mr. Costa's statements corroborate Officer Dube's account of the interaction. Bystander video from the neighbor clearly shows that Mr. Costa pointed his gun directly at Officer Dube, and then began advancing in his direction and raising the gun again. Both the bystander video and the body-worn camera video establish that Officer Dube gave repeated instructions to Mr. Costa to drop the gun, which Mr. Costa ignored. Officer Dube told investigators that he felt threatened, unsafe, and that he could be killed. The body-

worn camera footage captures the stress and alarm in Officer Dube's voice as he gave repeated commands to Mr. Costa to drop the gun, corroborating his statements to investigators.

When analyzed in context, all relevant information indicates that it was objectively reasonable for Officer Dube to believe that it was necessary to use deadly force against Mr. Costa, to defend himself from the imminent use of deadly force. Officer Dube was faced with a situation where Mr. Costa brandished a gun at him for seemingly no reason. Despite repeated commands to drop the weapon, Mr. Costa pointed the gun directly at Officer Dube, lowered it, and then began pointing it at him again. Mr. Costa advanced towards Officer Dube, raising his gun into a firing position, despite further repeated commands and warnings. It was more than reasonable for Officer Dube to believe that his life was in danger, and that it was necessary to use deadly force to defend himself.

For these reasons, Officer Dube was legally justified in using deadly force against Cullen Costa on April 29, 2025 in Keene, New Hampshire. Accordingly, no criminal charges will be filed against Officer Dube in connection to this shooting.