

# MAINE STATE LEGISLATURE

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## **DEADLY FORCE REVIEW PANEL**

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

December 2, 2025

Hon. Anne M. Carney, Senate Chair  
Hon. Amy D. Kuhn, House Chair Joint  
Standing Committee on Judiciary 100  
State House Station  
Augusta, ME 04333

Dear Sen. Carney, Rep. Kuhn, and Members of the Committee on Judiciary:

The Deadly Force Review Panel completed two reviews of law enforcement officers' use of deadly force. Under Title 5, section 200(K)(7), "within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer . . . the panel shall submit a report on the panel's activities, conclusions, and recommendations about the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters." The reports are enclosed.

The Panel examined the January 21, 2024, incident in Augusta (#46) and the November 30, 2024, incident in Westbrook (#60), the details of which are included in the Panel's enclosed reports. The review of the Westbrook incident was taken out of order to timely address concerns raised by the Westbrook Chief of Police.

For the Deadly Force Review Panel:

Fernand Larochelle, Chair  
Stephen Burlock, Vice Chair

Enclosures

cc:

Criminal Justice & Public Safety Committee  
Health & Human Services Committee



## **November 30, 2024 – Westbrook Use of Deadly Force Incident**

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel submits the following report of the use of deadly force incident in Westbrook on November 30, 2024, involving Sergeant Brian Grasser and Officer Maxwell Sawyer of the Westbrook Police Department, which resulted in the death of Ryan M. Nichols, age 37. By statute, after the release of the report of the Attorney General, the Panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer. The purpose of the examination is to find independently whether there was compliance with accepted and best practices under the circumstances or whether the practices require adjustment or improvement. The Panel may recommend methods for improving standards, including changes to statutes, rules, training, and policies and procedures, designed to ensure best practices that promote increased public and officer safety. It should be noted that the Panel's "Observations" are case-specific bullet points that have been pulled directly from the incident case file and are primarily intended to highlight key pieces of information. The Panel's "Recommendations" should be viewed as potential system-level issues that agencies should consider during future critical incidents. The Panel is not charged with undertaking a *de novo* review of the Attorney General's determination regarding the legality of the use of deadly force by law enforcement; discussions and recommendations of the Panel are independent of the Attorney General.

### **Synopsis**

On Saturday, November 30, 2024, at around 3:26 a.m., officers from the Westbrook Police Department responded to Arlington Avenue in Westbrook after a report of a domestic assault. The caller, who was not present at the residence, said her brother was there and that her mother had called to report that the brother was hurting them and had already assaulted her stepfather. While responding, the officers learned that there were active arrest warrants for Ryan Nichols and his mother. They were also told that Mr. Nichols was flagged in the department's records as suicidal. Around 3:30 a.m., Westbrook police officers arrived at the Arlington Avenue residence and found Mr. Nichols and two other people. Mr. Nichols was uncooperative and started fighting with three officers trying to arrest him. He fought the officers for several minutes. Despite attempts to control him with less-lethal weapons, Mr. Nichols remained aggressive, noncompliant, and resistant. He ran across the street onto a porch of a house, grabbed a large metal wind chime made of tubular pipes, and advanced toward the officers. Mr. Nichols tried to hit the officers with the metal pipes. Sergeant Brian Grasser and Officer Maxwell Sawyer fired their service weapons. Struck by gunfire, Mr. Nichols died from his injuries despite emergency medical efforts.

### **Information the Panel Reviewed**

Before its meeting, the Panel members received the investigative material compiled by the Attorney General. The material consisted of all the original investigative data, including interview recordings, reports, forensic reports, photographs, emergency communications, and other relevant materials. The Panel also reviewed the Attorney General's August 25, 2025, report and the internal investigation report of the Westbrook Police Department, dated August 28, 2025. The Panel also

considered the concerns expressed by Westbrook Police Chief Sean Lally in a letter dated September 8, 2025, to Attorney General Aaron Frey, a facsimile of which is attached to this report.

### **Panel Discussion**

On September 25, 2025, the Panel convened via Zoom to review the referenced incident. Several issues were discussed. The primary focus was on competency to stand trial, restorability, and the civil commitment process. Some members raised concerns that the current civil commitment system does not adequately address situations in which the court dismisses a criminal defendant's case after determining that the defendant was non-restorable to competence. The Panel also examined the incident underlying Case #60. Issues reviewed included multiple attempts to use non-lethal weapons, toxicology findings of alcohol and cocaine, the suspect's mental health issues, criminal history, and more.

### **Observations**

1. Ryan Nichols suffered from severe mental illness and had a long history of violent behavior. Over the past five years, multiple criminal cases involving violence were dismissed after Mr. Nichols was found incompetent and non-restorable to stand trial. Each time, he was released back into the community without a viable treatment plan, and each time, he reoffended. In 2020, Mr. Nichols was charged with aggravated assault for a random attack on a neighbor with a tire iron, leaving the victim unconscious in the street. In 2021, while in the Cumberland County Jail awaiting trial, he attacked a 72-year-old inmate, hospitalizing him with a broken pelvis. In 2022, he assaulted a family member. In 2023, he was arrested for randomly attacking two strangers within minutes of each other. At the time of the officer-involved shooting in 2024, there was an outstanding warrant for Mr. Nichols' arrest for a random attack on two strangers at a convenience store in Limington, and he was suspected of assaulting family members in the hours immediately before the shooting.
2. The Panel observes that, pursuant to Title 15, §101-D (5)(A), if a court determines that a criminal defendant is not competent to stand trial and there is no substantial probability that the defendant will become competent in the foreseeable future, the court shall dismiss all charges. This is not a medical diagnosis but a judgment based on the preponderance of the evidence of the defendant's ability to participate in the criminal process. In contrast, civil commitment to a psychiatric hospital requires proof, by clear and convincing evidence, that the person is mentally ill and poses a likelihood of serious harm. Thus, the competency standard involves a lower evidentiary threshold (not competent to stand trial) and is a legally distinct inquiry from the commitment standard. In plain language, the standard for finding a person who is not competent and not restorable is a lower standard than the standard for committing someone to a psychiatric hospital. This means that a dangerous individual may unintentionally fall through the cracks of this statutory discrepancy. As happened in this case,

an individual may be released when the criminal court is required to drop the case (due to non-restorability), but the civil court cannot intervene.

3. The Panel commends the law enforcement officers for their persistent and determined efforts to subdue Mr. Nichols with less-lethal weapons. It is evident from the report that Mr. Nichols, who the medical examiner noted to be 5'10" tall and weighing 220 pounds, posed a significant physical threat as he continued to aggressively resist and assault the responding officers.

### **Recommendations**

1. The Panel recommends updating Title 15, §101-D (5)(A) as follows: Finding of nonrestorability. If the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, if the court has probable cause to believe the defendant poses a likelihood of serious harm, as defined in Title 34-B, § 3801(4-A)(¶¶ A, B, or C), shall order the defendant into the custody of the Department of Health and Human Services for an involuntary commitment examination under Title 34-B, § 3864. Notwithstanding any provision of law to the contrary, the court shall provide to the Department of Health and Human Services any information that led to the finding of incompetency and nonrestorability, the information that gave rise to the probable cause determination, and the defendant's pertinent criminal history record information and other known history and recent or recurring actions and behaviors in the court's possession. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence, and the correctional facility to which the defendant is transported shall execute the court's order.

### **Factual Summary**

On November 30, 2024, at about 3:22 a.m., a woman called the Westbrook Police Department to report that her mother had just called her, saying she needed help. The woman said she was not at her mother's house and did not know the full details of the situation. She explained that she has a brother who is paranoid and schizophrenic. She mentioned that when she stopped by her mother's house earlier that day, her stepfather, who is 77 years old and very frail, had a black eye. She said her brother, Ryan Nichols, had punched him in the face. The woman reported that her mother said Mr. Nichols was hurting them. When she asked her mother what he was doing to them, she repeated that he was hurting them. The caller said her family prefers not to involve the police with Mr. Nichols because he has mental health issues and is very aggressive.

At around 3:26 a.m., Sergeant Brian Grasser, Officer Maxwell Sawyer, and Officer Marissa Eastwood were sent to the Arlington Avenue house for a domestic dispute and welfare check. The officers learned that Mr. Nichols' mother had an arrest warrant for theft and unlawful possession of scheduled drugs. They also discovered there were two other warrants for Mr. Nichols' arrest for theft and assault.

At about 3:30 a.m., all three officers arrived and approached the residence. Officer Sawyer knocked on the front door. Sgt. Grasser saw Mr. Nichols walking out of his bedroom and thought he might be heading to the front door. Sgt. Grasser moved toward the deck to go to the front door, and Mr. Nichols' mother stepped outside onto the deck. Sgt. Grasser said she appeared to have been crying. He asked her if she was OK, and she responded, "No." At that moment, Mr. Nichols stepped onto the deck. Sgt. Grasser, who had previously interacted with Mr. Nichols, asked whether they could go inside to discuss the matter further. Mr. Nichols invited Sgt. Grasser inside. Officer Sawyer and Officer Eastwood stayed outside with the mother on the deck.

Sgt. Grasser notified Dispatch that he had contacted all three individuals – Mr. Nichols, his mother, and his stepfather – at the residence. Sgt. Grasser walked through a mudroom and entered the living room. The stepfather was lying on the couch, and Sgt. Grasser could see that he had a black eye. It appeared that both Mr. Nichols and his stepfather were under the influence based on their appearance and slurred speech. Sgt. Grasser asked Mr. Nichols what was going on that would cause his sister to call the police. Mr. Nichols did not answer but instead asked to speak to a specific officer. Sgt. Grasser explained that the officer was not available. He asked Mr. Nichols again what was going on, and Mr. Nichols replied that nothing was happening and that he was fine.

Sgt. Grasser was monitoring Mr. Nichols closely because he knew that he tended to be assaultive and had previously attacked police officers, and he had an active arrest warrant for assault. He said that he could see that Mr. Nichols was becoming agitated or annoyed because Sgt. Grasser would not call the officer Mr. Nichols had mentioned. Mr. Nichols then moved toward the mudroom. Sgt. Grasser did not want him going out there in his agitated state, fearing he might assault the mother or the two officers with her. Sgt. Grasser decided to restrain Mr. Nichols.

Meanwhile, Officer Sawyer and Officer Eastbrook were outside on the deck talking to Mr. Nichols' mother. She was vague when explaining what was happening but said she had about \$4,000 in cash, which Mr. Nichols wanted. She mentioned that she placed the money under her and went to sleep, but Mr. Nichols managed to take it. As the conversation with the officers continued, the mother said she was cold and went into the mudroom. Mr. Nichols, appearing agitated and confused, followed into the mudroom. Sgt. Grasser did not want him going there in his agitated state, fearing that he might assault the mother or the two officers with her. Sgt. Grasser decided to restrain Mr. Nichols with Officer Sawyer's help, but Mr. Nichols broke free and ran onto the deck. All three officers went out onto the deck and continued to try to restrain Mr. Nichols there. He became more combative and resisted efforts to control him. Mr. Nichols refused to obey their commands.

Mr. Nichols continued to exhibit physical aggression toward the officers. As the altercation persisted, Sgt. Grasser instructed Officer Sawyer to use his TASER. Officer Sawyer tried to draw his TASER, but it was pinned between him and Mr. Nichols. Officer Sawyer stated that he was afraid Mr. Nichols would take control of his TASER. At that moment, Mr. Nichols was bent over at the waist, with all three officers on his back. Mr. Nichols then stood up, throwing the officers off him. Sgt. Grasser managed to deploy his TASER, but it had no effect. Officer Sawyer deployed his TASER, but it also failed to have any impact on Mr. Nichols. He tried again, but the TASER still did not immobilize Mr. Nichols. All three officers were wearing body cameras. During the struggle, all three cameras were dislodged and fell to the deck. Despite this, the cameras remained

active, recording video and audio of the entire incident from the officers' arrival until they were turned off, approximately 1.5 hours later.

Mr. Nichols grabbed a hold of Officer Eastbrook and pinned her against the railing of the deck. Officer Sawyer deployed his TASER again with no effect on Mr. Nichols. Mr. Nichols let go of Officer Eastbrook and started walking towards Sgt. Grasser, who had stepped off the deck into the driveway to notify Dispatch to send additional units. All three officers continued to give Mr. Nichols commands to get on the ground. Ignoring the commands, Mr. Nichols walked towards Sgt. Grasser down the driveway towards the street. Sgt. Grasser fell as he was backing away from Mr. Nichols. Mr. Nichols walked past Sgt. Grasser and crossed the street into the driveway of another residence. He then went to the residence's backyard, picked up a step ladder, and advanced toward the officers. After several commands to put the ladder down, Mr. Nichols threw it onto the ground and walked over to a raised deck and sat down on the stairs. Officer Sawyer used the light from his TASER to illuminate Mr. Nichols. Sgt. Grasser and Officer Eastbrook drew their handguns and used the flashlights attached to them. A light on an outbuilding at the back of the residence provided illumination. Mr. Nichols was told to lie down on his stomach and put his hands behind his back. The officers told Mr. Nichols that they did not want anyone to get hurt. Mr. Nichols had a dog collar in his hands. Mr. Nichols refused to comply with their commands. Mr. Nichols kept telling the officers that he would not listen to them. Mr. Nichols asked to speak with a Westbrook police detective, but was informed that the detectives were unavailable.

Mr. Nichols went up the stairs to the deck. There was a back door to the residence next to the deck. Mr. Nichols was still noncompliant and agitated. Several officers ordered him to get on the ground, but he remained noncompliant. The officers were worried that Mr. Nichols might enter the residence, which they believed was occupied by persons sleeping inside at the time. Sgt. Grasser instructed a Gorham officer who had just arrived to go up the stairs with his less-lethal weapon. Sgt. Grasser followed closely behind. Despite repeated commands, Mr. Nichols refused to get down. He told the officers not to shoot him in the stomach or face. The Gorham officer moved up the stairs, stopping one or two steps from the top with Sgt. Grasser behind him. Mr. Nichols moved from the back of the deck to the front. He grabbed a small object and threw it at the Gorham officer, who was unsure what it was. It was later identified as the dog collar. The Gorham officer turned to avoid the projectile, then saw Mr. Nichols reaching for what he thought were wind chimes, made of several steel pipes or bars 2-3 feet long. He then fired his 40mm less-lethal shotgun at Mr. Nichols. The round hit him but had little effect. Mr. Nichols stepped back and swung the metal pipes toward the officer, who was reloading another less-lethal round. While trying to avoid being hit by the pipes, the officer fell down the stairs. Mr. Nichols swung the objects at officers on the deck stairs, prompting Officer Sawyer and Sgt. Grasser to fire their service weapons simultaneously at him. Mr. Nichols was struck by gunfire, and despite medical aid rendered by the officers, he died from his injuries.

The Office of the Chief Medical Examiner later concluded that Mr. Nichols died from multiple gunshot wounds. It was determined that his system contained cocaine, alcohol, and cocaethylene. Cocaethylene is a psychoactive substance formed when cocaine and alcohol are consumed together, amplifying the effects of cocaine. These effects can include anxiety, confidence, energy, increased heart rate, paranoia, euphoria, excitement, impaired judgment and coordination, and restlessness.



Mr. Nichols has an extensive criminal history in both Maine and New Hampshire, dating back to August 2006 in Maine and May 2004 in New Hampshire. He had multiple convictions in both states, including assault, drug offenses, theft, and driving violations, which resulted in his license being suspended or revoked. In 2022, Mr. Nichols was deemed incompetent to stand trial on charges of aggravated assault, violation of conditions of release, and creating a police standoff in Westbrook. As a result, the charges were dismissed. Similarly, in 2024, he was found incompetent to stand trial on two counts of aggravated assault in Portland and Westbrook, and those charges were also dismissed.

**Panel Members**

Fernand LaRochelle, Chair

Stephen Burlock, Esq., Assistant District Attorney (Retired), Vice Chair/Secretary

Michael Alpert, Greater Bangor Area Branch NAACP

John Chapman, Esq.

Jack Clements, Chief of Police, Saco

Sandra Slemmer, designee of Alice J. Briones, D.O., Chief Medical Examiner

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Joshua Daley, designee of Lincoln Ryder, Director, Maine Criminal Justice Academy

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Vice President of Adult Behavioral Health, Spurwink

Note: The individuals serving on the Panel are appointed to apply their professional expertise to discussions of these complex cases. Therefore, members of the Panel may be familiar with or have contact with individuals involved in the case under review. In such cases, members must report these affiliations to the Panel, and this information is recorded in the meeting minutes. If panel members determine they have a conflict of interest, they are excused from voting on the panel's findings and recommendations for that case.



**Sean Lally**  
*Chief of Police*  
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 Westbrook, Maine 04092  
 Phone: 207-854-0644  
 Fax: 207-854-0657

September 8, 2025

The Honorable Aaron Frey  
 Attorney General of the State of Maine  
 6 State House Station  
 Augusta, ME 04333

Dear Attorney General Frey,

I am writing to formally acknowledge receipt of your office's ruling that the officer-involved shooting of Ryan Nichols, which occurred on November 30, 2024, was legally justified under Maine law.

Your independent investigation concluded that Westbrook police officers acted lawfully and in full compliance with state law. The ruling determined that the use of deadly force was necessary to protect the safety of officers and others present during the incident.

While we respect the Attorney General's thorough review and findings, I am urging the Deadly Force Review Panel to look beyond the use of deadly force itself and examine the root causes that allowed this incident to occur.

Ryan Nichols suffered from severe mental illness and had a long history of violent behavior. Over the past five years, multiple criminal cases involving violence were dismissed after Nichols was found incompetent to stand trial. Each time, he was released back into the community without a viable treatment plan — and each time, he reoffended.

For context, the following is a brief summary of Nichols' recent violent history:

2020: Charged with aggravated assault for a random attack on a neighbor with a tire iron, leaving the victim unconscious in the street.

August 2021: While awaiting trial at the Cumberland County Jail, attacked a 72-year-old inmate, hospitalizing the victim with a broken pelvis.

October 2022: Assaulted a family member.

January 2023: Arrested for randomly assaulting two strangers within minutes of each other.

At the time of the officer-involved shooting, Nichols had an active arrest warrant for a random attack on two strangers at a convenience store in Limington, Maine, and was suspected of assaulting family

members in the hours immediately preceding the incident.

These incidents highlight critical gaps in Maine's mental health and criminal justice systems. Individuals who are found incompetent to stand trial but present a clear and ongoing risk of harm should not be repeatedly released back into the community without treatment and intensive supervision.

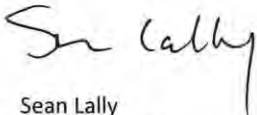
This was a tragic and completely unnecessary incident. It placed Westbrook officers in an unenviable position where they were forced to use deadly force to stop a violent threat — a situation that could have been avoided had Nichols been in a secure mental health treatment facility or appropriate custodial setting.

I respectfully request that your office, in collaboration with policymakers and mental health professionals, examine these systemic failures and consider recommending meaningful reforms. The goal must be to ensure that individuals with severe mental illness who repeatedly engage in violence receive the treatment and supervision they need, while protecting the public and preventing law enforcement officers from being placed in situations where deadly force becomes the only option.

I also respectfully ask that Cumberland County District Attorney Jackie Sartoris be called to testify before the Deadly Force Review Panel to provide her perspective on the gaps that currently hinder her office's ability to find appropriate outcomes for mentally ill criminal defendants. In my conversations with her, she expressed frustration with the Court's handling of the Nichols matter and told me she "knew this was going to happen." While her candor is refreshing, the Court's failures do nothing to comfort a grieving family or to lessen the anguish carried by the officers who responded to the call on November 30, 2024.

Thank you for your time and consideration. Please do not hesitate to contact me if additional information is needed.

Respectfully,



Sean Lally  
Chief of Police  
Westbrook Police Department

cc: Cumberland County District Attorney Jackie Sartoris  
Maine Commissioner of Public Safety Michael Sauschuck