

MAINE STATE LEGISLATURE

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September 8, 2020

The Hon. Michael E. Carpenter, Senate Chair
The Hon. Donna Bailey, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Dear Sen. Carpenter, Rep. Bailey, and Members of the Committee on Judiciary:

The Deadly Force Review Panel completed its first examination of the use of deadly force by a law enforcement officer. Pursuant to 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 with regard to the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters.” The report is enclosed.

The Panel examined the incident that occurred on July 5, 2017, in Madison, the details of which are part of the Panel’s enclosed report.

For the Deadly Force Review Panel:

Vendean Vafiades, Esq., Co-Chair
Francine Garland Stark, Co-Chair

Enclosure

July 5, 2017 ▪ Madison Use of Deadly Force Incident

As required by 5 MRSA §200-K, the Maine Deadly Force Review Panel submits the following report of the July 5, 2017 Madison Use of Deadly Force incident. By statute, subsequent to 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 such examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances or whether the practices require adjustment or improvement. The Panel shall recommend methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety and officer safety.

Factual Summary

In the early morning of Wednesday, July 5, 2017, three law enforcement officers of the Somerset County Sheriff's Department shot and killed Carroll Tuttle Jr. of Madison. Mr. Tuttle was approaching in his truck one of the officers and a bystander, Harvey Austin, at a high rate of speed. Mr. Tuttle shot Mr. Austin twice before Mr. Tuttle was killed by gunfire from all three officers. Mr. Tuttle had previously shot and killed three persons: Michael Spaulding, a neighbor; Lori Hayden, Mr. Tuttle's domestic partner; and Dustin Tuttle, his son. No law enforcement officers were injured.

Presentations and Information the Panel Reviewed

Prior to the review, Panel members were provided with investigative materials from the Attorney General's Office and the Office of Chief Medical Examiner, and, later, with materials from the State Police and Somerset County Sheriff's Office. At the meeting, the primary Attorney General Detective, Peter Lizanecz, made a PowerPoint presentation that summarized the investigation of this incident. In addition, a second Attorney General Detective, Patrick Gagnon, a certified evidence specialist, made a PowerPoint presentation of the forensic findings. Both detectives answered questions posed by Panel members. Francine Stark provided a summary of notes from the Domestic Violence Homicide Review Panel's review of the three homicides that were part of this incident.

Summary of Panel Discussion

The Panel conducted a full review of the incident on July 23, 2020 at a Zoom meeting. The Panel concluded that the officers, when confronted with a homicide suspect whom the officers knew had killed three individuals within the last 30 minutes and was shooting a fourth individual in real time, shot Mr. Tuttle to eliminate the threat to the officers and others. The officers responded and adapted to the unambiguous circumstances consistent with their training and in appropriate response to the imminent and unfolding deadly threat.

Recommendations

None

Observations

The Panel noted that both substance use and domestic violence were central components to the circumstances leading up to this tragedy. Family, neighbors, and others were aware of and concerned about Carroll Tuttle's behavior toward Lori Hayden, as well as the extensive

substance use in the household. Dustin Tuttle was recently discharged from a substance use disorder rehabilitation program. While it is beyond the scope of the Panel's mandate to make recommendations regarding these matters, it is important to note that effective community prevention and intervention regarding domestic violence and substance use disorder may have prevented this incident.

Timeline and Details of Incident

At 7:37 AM, on July 5, 2017, the Somerset County Communications Center (SCCC) received a 911 call from a woman who was visiting her ex-husband, Michael Spaulding, at his residence of 299 Russell Road in Madison, reporting that a man shot Mr. Spaulding and left in a gray pick-up truck. Law enforcement officers arrived at the residence and found Mr. Spaulding, who was not breathing and unresponsive, with gunshot wounds to his head and chest and secured the scene as they awaited investigators.

At 7:48 AM, the SCCC received a 911 call from a woman who reported that her daughter had just witnessed Carroll Tuttle shoot and kill his wife, Lori Hayden, and his son, Dustin Tuttle, at their Russell Road home in Madison. The dispatcher then spoke directly with the daughter, who related that while asleep in a bedroom with Dustin Tuttle (her boyfriend), she awoke to hear Ms. Hayden screaming and that when Dustin got up to check on his mother, his father shot him. Mr. Tuttle allowed the girlfriend to leave without her cell phone. She told the dispatcher that Mr. Tuttle owned a black pick-up truck and the shootings had occurred at about 7:30 AM.

At approximately 8:00 AM, law enforcement officers learned that Carroll Tuttle was suspected of committing the homicides and was driving a silver truck. At about the same time, Harvey Austin drove up to the Tuttle residence and told the senior law enforcement officer, Chief Deputy James Ross, that he found his sister-in-law Lori Hayden lying on the floor of the mobile home she shared with Carroll Tuttle at 316 Russell Road. Mr. Austin told Chief Ross that Ms. Hayden was unresponsive and asked the chief to check on her. Chief Ross thereafter notified Dispatch that he had found Ms. Hayden at 316 Russell Road and requested an ambulance. He then summoned other law enforcement officers to 316 Russell Road where they entered the mobile home and found that Ms. Hayden had been shot in the head and was deceased. They also found Dustin Tuttle in a bedroom, deceased with apparent gunshot wounds.

Chief Ross, now standing outside the mobile home, informed Harvey Austin, standing in the driveway, that both Ms. Hayden and Dustin Tuttle were dead. Chief Ross and Mr. Austin began to walk down the driveway toward the road. Mr. Harvey was slightly ahead. At this point, Carroll Tuttle was speeding toward the scene from Skowhegan in his pickup truck, traveling westerly along the Russell Road.

Another law enforcement officer, walking along the side of the road toward 316 Russell Road, observed Mr. Tuttle's truck speeding toward Chief Ross and Mr. Austin and he saw another officer on the opposite side of the roadway. As the truck approached, it did not slow down, despite the presence of police vehicles. Mr. Austin also observed the truck and remarked to Chief Ross, "Here he comes." When asked who, Mr. Austin responded, "Carroll."

As Mr. Tuttle drove into the driveway of 316 Russell Road, Chief Ross, now positioned in front of the truck, raised his hand in a “stop” signal. He recognized Mr. Tuttle as the driver. Mr. Tuttle addressed Mr. Austin through his open driver’s side window yelling, “Harvey, you fuck! You’re getting what’s coming to you!” Mr. Tuttle stuck his hand out the window holding a semi-automatic pistol and Chief Ross yelled, “Drop it!” Mr. Tuttle shot Mr. Austin “point blank,” and Chief Ross began firing his sidearm through the truck’s windshield at Mr. Tuttle. Two other law enforcement officers, Michael Ross and Joseph Jackson, also fired at Mr. Tuttle, who was still in his truck. Mr. Tuttle, struck by gunfire, fell from his truck and crawled on the ground in an attempt to get up while still maintaining control of his firearm. All three officers continued to fire until Mr. Tuttle stopped moving. Mr. Tuttle was dead at the scene. Mr. Austin sustained three (3) gunshot wounds to his face, shoulder, and abdomen. He was hospitalized for several days.

During a subsequent examination of Mr. Tuttle’s truck at the State Police Crime Laboratory, evidence technicians documented numerous bullet strikes in various locations on the truck body, windshield, door glass, and frame that were consistent in direction and trajectory with locations of the three officers during the shooting. The Office of Chief Medical Examiner (OCME) conducted an autopsy on Carroll Tuttle and concluded that his death was caused by multiple gunshot wounds to his head, neck, chest, flank, and abdomen. Mr. Tuttle also had alcohol and cocaine in his system. The incident appears to have been precipitated by Carroll Tuttle’s acting on his belief that Lori Hayden was about to end their relationship, which was reported to be controlling and abusive.

Panel Members

Michael Alpert, President, Greater Bangor NAACP

Debra Baeder, Ph.D., Chief Forensic Psychologist

David Bate, Esq.

Stephen Burlock, Esq., District V Assistant District Attorney

John Chapman, Esq.

Rick Desjardins, Director, Maine Criminal Justice Academy

Mark Flomenbaum, M.D., Chief Medical Examiner

Fernand Larochelle, Vice Chair and Secretary

Brian MacMaster, Director, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Janine Roberts, Chief of Police, Westbrook Police Department

Michael Sauschuck, Commissioner, Department of Public Safety

Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence, Co-chair

Dan Tourtelotte, Maine State Law Enforcement Association

Vendean Vafiades, Esq., Co-chair