

MAINE STATE LEGISLATURE

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AARON M. FREY
ATTORNEY GENERAL

TEL: (207) 626-8800
TTY: 1-888-577-6690



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES:

84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
Portland, Maine 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY., STE 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

December 19, 2020

The Hon. Anne M. Carney, Senate Chair
The Hon. Thom Harnett, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

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

The Deadly Force Review Panel completed its third 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 May 4, 2018, in Oakland, 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

May 4, 2018 Oakfield Use of Deadly Force Incident

As required by 5 MRSA § 200-K, the Maine Deadly Force Review Panel submits the following report of the May 4, 2018 use of deadly force incident involving Maine State Police Sergeant Chadwick Fuller. 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 such examination 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 is charged with recommending methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices that demonstrate increased public and officer safety.

Factual Summary

On Wednesday, May 2, 2018, John Corneil of Merrill was visiting his mother in Oakfield and shot BBs at a neighbor's dog. The neighbor and her boyfriend went to the mother's residence and confronted Mr. Corneil, who grabbed the boyfriend and punched him. As the neighbors were walking away, Mr. Corneil shot BBs at them and made verbal threats. The incident was reported to a State Police trooper and Mr. Corneil's mother informed the trooper that her son was a felon and had mental health issues. After the trooper and State Police Sergeant Chadwick Fuller discussed the incident and reviewed Mr. Corneil's criminal and personal history, they determined Mr. Corneil would likely be agitated from the day's events and potentially dangerous given his previous criminal record of resistance to law enforcement intervention. They put in place a plan that included consideration of obtaining an arrest warrant, serving a summons instead of making an arrest, trying to contact Mr. Corneil by phone, and attempting to have contact with him away from his home. Two days later, on Friday, May 4, 2018, a trooper followed Mr. Corneil to a grocery store in Oakfield and was joined by Sergeant Fuller. When the officers attempted to talk with him, Mr. Corneil became agitated and the officers attempted to arrest him. Mr. Corneil pulled out what appeared to be a black handgun from inside his jacket. The officers instructed him to drop the weapon and Sgt. Fuller shot Mr. Corneil when he did not comply. Mr. Corneil died at the hospital from gunshot wounds. His gun was later determined to be a CO2 weapon that shot pellets.

Information the Panel Reviewed

Prior to its review on November 19, 2020, the Panel received a complete copy of the investigation of deadly force conducted by the Attorney General's Office. This consisted of the original investigative materials, including original interview reports, forensic reports, photographs, emergency communication transcripts, the Attorney General's legal conclusion dated October 16, 2020, and other materials. The Panel also reviewed the internal critical incident review report of the Maine State Police dated October 28, 2020. Attorney General Detective James Gioia, the primary investigator assigned to the incident, attended the November 19th meeting, and answered questions of Panel members.

Summary of Panel Discussion

On November 19th, the Panel met via Zoom and conducted a review of the referenced incident. The Panel discussed the efforts made by the State Police officers to inform themselves of Mr. Corneil's criminal history and incidents of past interactions with law enforcement, including allegedly shooting a firearm at a trooper during one of the incidents. The Panel was impressed by law enforcement's efforts to plan a variety of scenarios intended to avoid a dangerous confrontation with Mr. Corneil. The Panel noted law enforcement's attempts to avoid a confrontation or standoff at Mr. Corneil's home or a highspeed chase. The Panel determined that law enforcement knew that Mr. Corneil had mental health issues based on his past interactions with law enforcement and information provided by his mother, and also knew that he was in an agitated state. The Panel discussed concerns that the shooting of Mr. Corneil occurred in a public parking lot at a local grocery store and the potential safety issues for the officers and third parties.

Observations

1. The Panel was impressed that the State Police took initial actions to arrest Mr. Corneil safely and without confrontation. The officers assessed the risks posed by Mr. Corneil based on their past interactions with him and his criminal record. They took into consideration Mr. Corneil's agitation, history of mental health issues, use of a BB or CO2 weapon, and his potential threat to the public, including the neighbors. The State Police obtained search and arrest warrants on the basis of the alleged assaults and threats but decided not to execute the warrants on the same day. Sergeant Fuller briefed other troopers about Mr. Corneil's history and current agitated and potentially dangerous demeanor. The officers considered issuing a summons; attempting to contact Mr. Corneil by phone; asking a friend to contact him and see if he would agree to speak with a trooper; and planned to engage Mr. Corneil away from his residence.
2. The Panel noted that the officers in the field remained concerned with safety. The trooper followed Mr. Corneil to the grocery store and waited for backup before engaging Mr. Corneil. After a brief encounter in the parking lot of the grocery store, Mr. Corneil became agitated, and Sgt. Fuller attempted to use his dog to contain Mr. Corneil, but the dog did not engage.
3. The Panel noted that a show of force, even with a possible nonlethal weapon, in this case a pellet pistol remarkably similar to a Beretta semi-automatic pistol, presents an imminent risk of injury to the officers and others, and that it would be unreasonable for officers to believe the weapon was not an actual firearm. Sgt. Fuller issued a rapid series of commands to Mr. Corneil to drop the handgun before shooting Mr. Corneil. He then administered medical aid.
4. The Panel expressed concern about the public nature of the location of the arrest. The trooper at the scene with Sgt. Fuller did not shoot because of his concern that the "background" at the grocery store posed a risk of injury to others. Indeed, one of the bullets fired by Sgt. Fuller penetrated the wall of the grocery store and lodged in a soda can inside the store.
5. The Panel remains concerned with the lack of access to or use of mental health professionals in planning for engagement of dangerous and volatile individuals. The only individual that was identified as assisting Mr. Corneil with his mental health issues was his mother.

6. It is important to note that community-based services for people living with mental and behavioral health issues are insufficient, particularly in rural Maine. Such services, were they in place, may have prevented or mitigated this incident.
7. The legal review of the case was not released by the Attorney General until October 16, 2020, which may have impacted the timely ability of involved law enforcement personnel to know the outcome and possibly learn from the Attorney General's independent findings.
8. The primary law enforcement agency, the Maine State Police, finalized its critical incident report on October 28, 2020. The Panel notes that internal review reports are completed by law enforcement agencies at various times during their review process. The requirement for the internal review and the completion of these reviews does not include a timeframe.

No Recommendations

Timeline and Details

On May 2, 2018, a State Police trooper was dispatched to a residence in Oakfield and spoke to a woman who told him that one of her dogs barked. John Corneil was at his mother's house next door and he responded to the barking dog by shooting at it with a BB or pellet gun. When the woman and her fiancé went to speak with Mr. Corneil, he opened the door, grabbed the fiancé by the shirt, and punched him on the side of the head. Mr. Corneil also kicked the woman, who was holding her child, in the stomach. Mr. Corneil reached into a pocket and pulled out what appeared to be a black semi-automatic handgun and pointed it at the fiancé at close range. As the couple and their child retreated, Mr. Corneil fired at them with a pellet or BB gun and made verbal death threats. The fiancé described the gun Mr. Corneil pointed and fired as looking like a real handgun. Mr. Corneil's mother described the gun her son was carrying as looking like the one in the holster of the trooper to who she was speaking.

During his investigation into the matter, the trooper learned that although the firearm involved in this incident was described as a pellet or BB gun, Mr. Corneil had been a felon for nearly 20 years, a status that prohibited him from possessing firearms, and had actual firearms taken away from him by his mother as recently as two years ago. The trooper also learned that Mr. Corneil was the cause of two standoffs involving the State Police Tactical Team and had a history of violent interactions with law enforcement, including allegedly shooting an actual firearm at a trooper during one incident. The trooper obtained a search warrant for Mr. Corneil's house and an arrest warrant for Mr. Corneil. After consulting with Sgt. Chadwick Fuller, a plan was developed to avoid a standoff or potentially dangerous situation with Mr. Corneil. Sgt. Fuller directed the troopers under his supervision to not approach Mr. Corneil's residence, citing Mr. Corneil's history of violent behavior when interacting with law enforcement. Instead, they planned to arrest Mr. Corneil away from his residence, potentially in a traffic stop. Sgt. Fuller sent an e-mail on May 3 to area troopers summarizing the incidents with Mr. Corneil and the plan to engage him away from his residence.

On May 4, while at a stop sign at a four-way intersection in Oakfield, a trooper noticed that Mr. Corneil's maroon Ford Taurus was stopped at the stop sign opposite him at the same intersection. As the trooper and vehicle passed by one another, the trooper believed the person operating the vehicle was Mr. Corneil. The trooper turned around and followed Mr. Corneil at a safe distance while relaying the information to Sgt. Fuller. Sgt. Fuller directed the trooper to continue following Mr. Corneil and that he was headed in their direction. Mr. Corneil drove into

the parking lot of a local grocery store and the trooper drove into the lot of the nearby Oakfield Fire Department. Using binoculars, the trooper confirmed that the vehicle was Mr. Corneil's, and then saw Mr. Corneil get out of his car and go into the store. The trooper updated Sgt. Fuller by phone with his observations.

As Mr. Corneil was leaving the grocery store and walking back to his car, Sgt. Fuller arrived in the store's parking lot. The trooper drove into the parking lot near Sgt. Fuller, and the two approached Mr. Corneil. Sgt. Fuller greeted Mr. Corneil, who was putting groceries into his vehicle. Mr. Corneil responded in a hostile manner and accused the officers of harassing him. Sgt. Fuller continued to try to talk with Mr. Corneil and eventually told him he was under arrest and to put his hands behind his back. Mr. Corneil refused to comply and continued making confrontational statements. Sgt. Fuller told Mr. Corneil to comply or he would release his K9 from his car. Sgt. Fuller released his K9, but the K9 failed to engage. Mr. Corneil began to back away from the two troopers towards the store.

While backing away from the troopers, Mr. Corneil unzipped his coat, reached his right hand into his coat, and retrieved what appeared to be a black semi-automatic style handgun. As Mr. Corneil was unholstering his handgun from inside his coat, Sgt. Fuller unholstered his own sidearm. When Mr. Corneil pointed his handgun at Sgt. Fuller, the officers both yelled "put it down" multiple times before Sgt. Fuller fired at Mr. Corneil. Sgt. Fuller described the handgun Mr. Corneil was pointing at him as looking like a full-size Beretta handgun. Sgt. Fuller saw nothing on the handgun to indicate it was a BB or pellet gun and believed it to be a real firearm. Sgt. Fuller believed he was eight feet or less away from Mr. Corneil with no immediate cover when he fired at Mr. Corneil. After Mr. Corneil fell, the officers handcuffed him and began rendering medical aid. EMTs transported Mr. Corneil to the hospital where he later died of gunshot wounds.

Sgt. Fuller said he used deadly force against Mr. Corneil because he believed his and his fellow officer's life, and the customers in the store were all in danger after Mr. Corneil pointed what Sgt. Fuller believed to be a real handgun at him. Based on the recording from the trooper's cruiser, from the time he put his car in park until the time shots were fired, one minute and one second elapsed. The officers said "put it down" or some variation of those words a total of eight times before Sgt. Fuller fired the first of five rounds.

Panel Members

Michael Alpert, President, Greater Bangor NAACP

Debra Baeder, Ph.D., Chief Forensic Psychologist

David Bate, Esq.

Stephen Burlock, Esq., Assistant District Attorney, District 5

John Chapman, Esq.

Rick Desjardins, Director, Maine Criminal Justice Academy

Mark Flomenbaum, M.D., Chief Medical Examiner

Fernand Larochelle, Panel 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, Panel Co-chair

Dan Tourtelotte, Maine State Law Enforcement Association

Vendean Vafiades, Esq., Panel Co-chair