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June 18, 2021

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 fifth 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 November 28, 2018, in Old Town, 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

November 28, 2018, Old Town Use of Deadly Force Incident

As required by 5 MRSA § 200-K, the Maine Deadly Force Review Panel submits the following report of the November 28, 2018, use of deadly force incident involving Old Town Police Officer Joseph Decoteau. 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 Synopsis

At 3:25 a.m. on November 29, 2018, Officer Joseph Decoteau stopped Adrian Bunker for driving 45 m.p.h. in a 25 m.p.h. zone on Stillwater Avenue in Old Town. During the initial traffic stop, Officer Decoteau observed that Mr. Bunker appeared to be intoxicated and Mr. Bunker's responses to the officer's questions were confusing, leading Officer Decoteau to call for back-up support. Mr. Bunker told Officer Decoteau three times that he was "gonna run" and, when Officer Decoteau asked him why, Mr. Bunker responded, "I don't want to live." Officer Decoteau, along with the additional Old Town officer who arrived on the scene, directed Mr. Bunker to get out of his vehicle but, instead, Mr. Bunker drove off. The officers pursued Mr. Bunker in their separate cruisers approximately one-quarter mile to where Mr. Bunker abruptly stopped. The officers, approaching the vehicle on foot, observed Mr. Bunker holding a handgun to his head. The officers repeatedly demanded that Mr. Bunker drop the weapon and offered help. Within minutes, Officer Decoteau, having moved to the rear of the vehicle, observed Mr. Bunker pointing the gun directly at him through the rear window. Officer Decoteau, fearing for his safety and that of the other Old Town officer and residents nearby, fired a single shot, which killed Mr. Bunker.

Information the Panel Reviewed

Prior to its review on May 27, 2021, the Panel received a complete copy of the investigation of deadly force conducted by the Attorney General's Office. This report consisted of all of the original investigative materials, including interview recordings and reports, forensic reports, photographs, emergency communications transcripts, cruiser camera recordings, and other materials. The Panel also reviewed the internal critical incident review report prepared by the Old Town Police Department, dated November 29, 2018. Attorney General Detective Patrick Gagnon attended the May 27th meeting, answered questions from Panel members, and offered additional clarifying information.

Summary of Panel Discussion

On May 27, 2021, the Panel met via Zoom and conducted a review of the referenced incident. The Panel discussed the evidence of Mr. Bunker's actions in the day and night leading up to the incident, including his level of intoxication and expressed suicidal intentions and the distinction between de-escalation and engagement with a suicidal person by a law enforcement officer. A detailed analysis presented by Detective Gagnon regarding the physical positions and actions of Mr. Bunker while seated in his vehicle and the actions of Officer Decoteau as he approached Mr. Bunker's vehicle immediately prior to the shooting was a significant focus of the Panel's discussion.

Observations

1. The Panel observed that after the deadly force incident, investigators learned that Mr. Bunker had been in a period of sobriety after a history of alcohol misuse, but since his brother's death by suicide five months prior, Mr. Bunker had been drinking heavily and had difficulty sleeping.
2. The Panel observed that this shooting occurred during a routine traffic stop for speeding and that the officers had to assess and adjust to respond to Mr. Bunker's behavior at the scene. The officers did not suspect or know that Mr. Bunker was suicidal and intoxicated until they began to interact with him at the stop.
3. The Panel observed that Mr. Bunker's level of intoxication (twice the legal limit) rendered the officers' attempts to deescalate the situation and engage in suicide prevention dialogue difficult.
4. After extensive review of the complete record and an additional detailed oral explanation and analysis of the forensic evidence by Detective Gagnon, the Panel understands the conclusions of the investigation regarding the positioning and actions of Mr. Bunker in his vehicle when he was shot.
5. The Panel commends the excellent communication and teamwork of the responding officers prior to, during, and following the incident.
6. The Panel observed that Officer Decoteau graduated from the Basic Law Enforcement Training Program of the Maine Criminal Justice Academy six months prior to the incident and conducted this intervention in alignment with his training and applicable policies and procedures.
7. The Panel observed that Officer Decoteau, having intervened with Mr. Bunker in what initially appeared to be routine traffic stop, was personally and deeply impacted by the necessity of using deadly force resulting in the death of Mr. Bunker

Recommendations

No recommendations.

Timeline and Details

Adrian Bunker was originally from Cambridge, Maine, and most of his family still resides there. Mr. Bunker was married, had a 3½ year old son and resided in Merrimack, New Hampshire. According to his wife and Mr. Bunker's medical records, he had struggled with alcohol and cocaine abuse but had been sober for several years until his brother died by suicide in June of 2018. Since then, Mr. Bunker had been drinking heavily and had difficulty sleeping.

On November 28, 2018, Mr. Bunker and his wife verbally argued until approximately 7:30 p.m. when Mr. Bunker stated, "I'm out," and left the residence. His wife reported that Mr. Bunker always had a large handgun in the center console of his pickup truck and that he also took his smaller handgun with him. That night at approximately 8:15 p.m., Mr. Bunker purchased bottles of vodka at the liquor store in Epping, New Hampshire, and then purchased a number of outdoor survival items from the Walmart store in Augusta at 10:41 pm.

At approximately 3:25 a.m. on November 29, 2018, Officer Decoteau observed a vehicle approaching from behind him on Stillwater Drive and recorded the vehicle's speed at 45 m.p.h. in a posted 25 m.p.h. zone. Officer Decoteau stopped the Chevrolet pickup truck with New Hampshire plates driven by Adrian Bunker. Officer Decoteau described Mr. Bunker as appearing to be intoxicated and that he seemed distraught or angry. Officer Decoteau described Mr. Bunker's movements and actions inside the vehicle as making him uneasy and he asked Mr. Bunker if there was a problem and Mr. Bunker responded in the affirmative but would not elaborate. Mr. Bunker responded that "it's irrelevant" when Officer Decoteau asked him how much he had been drinking.

Officer Decoteau asked a second officer to respond to his location at approximately two minutes and 37 seconds after stopping the vehicle. Officer Decoteau stated that both he and the second officer requested that Mr. Bunker put the vehicle in park and step out. Mr. Bunker refused and stated, "Dude, I'm not going to live." The officers asked Mr. Bunker if he wanted to talk with them and he stated, "I'd rather not live." Mr. Bunker's vehicle was idling and in gear, the driver's window was down, and the door was locked. When the second officer attempted to reach into the vehicle, Mr. Bunker sped away.

Officer Decoteau and the second officer pursued Mr. Bunker for approximately one-quarter mile. The pickup stopped abruptly on the right side of Stillwater Avenue in a residential area. Officer Decoteau stopped his car behind Mr. Bunker's truck and took a position behind the rear passenger side bumper of the vehicle approximately eight feet back from the vehicle. The second officer parked in front of the truck to preclude further flight. Officer Decoteau stated that the truck's rear slide cargo window was open, and he could see Mr. Bunker seated in the driver's seat with a gun to the right side of his head. Officer Decoteau and the second officer gave verbal commands for Mr. Bunker to put the weapon down as well as offering to get him help. Mr. Bunker didn't comply with the commands. According to Officer Decoteau, Mr. Bunker began to orient the weapon behind him and toward Officer Decoteau until Mr. Bunker had turned the firearm to the point of it being pointed at Officer Decoteau. Officer Decoteau stated that he could see down the barrel of Mr. Bunker's gun. Officer Decoteau fired one shot through the open cargo window of the truck. The bullet struck Mr. Bunker in the head. The shot was fired nine minutes and 43 seconds after the start of the traffic stop.

While lifesaving measures were immediately undertaken, Mr. Bunker died from his wound in the ambulance. An open, half-filled bottle of vodka was located in his pickup truck and the toxicology report determined Mr. Bunker's BAC at 0.17 %, or more than twice the legal limit as would constitute operating under the influence.

Panel Members

Michael Alpert, President, Greater Bangor NAACP

Debra Baeder, Ph.D., Clinical Director of the Office of Behavioral Health

David Bate, Esq.

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

John Chapman, Esq.

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Mark Flomenbaum, M.D., Ph.D., State 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, Retired, Westbrook Police Department

Michael Sauschuck, Commissioner, Department of Public Safety

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

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