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July 31, 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 seventh 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 February 2, 2020, in Minot, 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

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February 2, 2020, Minot Use of Deadly Force Incident

As required by 5 MRSA § 200-K, the Maine Deadly Force Review Panel submits the following report of the February 2, 2020, use of deadly force incident involving Sgt. Jon Guay, Deputy Matthew Noyes, and Deputy Darian Nadeau of the Androscoggin County Sheriff's Office, and Sgt. Alfred Daigle of the Mechanic Falls Police Department. 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

On Friday afternoon, January 31, 2020, Jason Gora's father called the Auburn Police Department asking for a wellbeing check of his son who had posted suicidal ideations on Facebook. Mr. Gora's father did not know Jason's current residence, because they were estranged. Auburn Police Department officers were unable to locate Mr. Gora. His brother told law enforcement that he and some friends had seen Mr. Gora, but he had sped off, nearly striking one of the friends, and he had a handgun. Although law enforcement's attempts to find and contact Mr. Gora were unsuccessful, Mr. Gora's girlfriend received a text from Mr. Gora with a photo of himself with the barrel of a semi-automatic handgun in his mouth and another indicating that he had smoked meth. She told law enforcement that she was afraid of what Mr. Gora would do to himself and to her, that he had attempted suicide a few months earlier, and that she believed Mr. Gora would try to provoke officers to shoot him.

On Sunday, February 2, 2020, in the one brief phone contact that an Auburn Police Department officer had with Mr. Gora at 6:25 p.m. during which the officer tried to persuade Mr. Gora to turn himself in or go to a hospital and asked his location, Mr. Gora replied, "Come find me mother fucker and see what happens!" Later that evening, at 7:45 p.m., Auburn Police learned that Mr. Gora's mobile phone was in the Poland area and provided this information to Androscoggin Sheriff's Deputies Matthew Noyes and Darian Nadeau. At 8:00 p.m., Mr. Gora's girlfriend reported that Mr. Gora had told her he was going to turn himself in, however, Androscoggin Sheriff Sgt. Jon Guay spotted Mr. Gora's vehicle speeding from Auburn toward Minot. Mr. Gora refused to pull over and Sgt. Guay and Deputies Noyes and Nadeau pursued Mr. Gora at speeds up to 80 m.p.h. Mechanic Falls Police Sgt. Alfred Daigle learned of the chase, attempted to deploy spike mats, and parked his cruiser with emergency lights activated in a parking lot just off the roadway. Seconds later, before Sgt. Daigle was able to even get out of his cruiser, Mr. Gora drove his vehicle into the front end of Sgt. Daigle's cruiser, causing the cruiser airbags to deploy and spinning the cruiser from the point of impact. Mr. Gora's vehicle came to a stop in the roadway. All four officers got out of their cruisers and gave several commands for Mr. Gora not to move and to show his hands. However, he reached for something in the back seat, got out of the vehicle on the opposite side from the officers, and fled down the road, into a field, and then into a parking lot where he stumbled and turned toward the officers with an object in his hand that all officers believed was a firearm. Deputy Nadeau, closest to Mr. Gora, drew and deployed his

TASER while dropping to the ground for cover and drawing his firearm. Believing Mr. Gora was leveling a firearm at them and that he may have shot Deputy Nadeau led to multiple shots being fired by all four officers, eight of which struck Mr. Gora, who died at the scene.

Information the Panel Reviewed

Prior to its review on June 24, 2021, the Panel received a complete copy of the investigative materials compiled by the Attorney General's Office. They consisted of all of the original investigative materials, including interview recordings and reports, forensic reports, photographs, emergency communications transcripts, cruiser and body camera recordings, and other materials. The Panel also reviewed the internal critical incident review report completed by the Androscoggin County Sheriff's Office on May 11, 2020. Attorney General Detective James Gioia attended the June 24th meeting, answered questions from Panel members, and offered additional clarifying information.

Summary of Panel Discussion

On June 24, 2021, the Panel met via Zoom and conducted a review of the referenced incident. The Panel discussion focused on the sequence of Mr. Gora's actions, including his communications with family members and law enforcement in the days prior to the incident, beginning on January 31 and up to the use of deadly force; the efforts of law enforcement to locate Mr. Gora; the current protocols regarding "wellbeing checks" in context of the circumstances attendant to this case, high-speed chases, and the critical series of events that culminated in the use of deadly force. The Panel discussed information about Mr. Gora's previous suicide attempt and related intervention.

Observations

1. The Panel observed that the purpose of a wellbeing check is to engage an individual to determine if that person poses an imminent threat or substantial danger to self or others. In this case, there was no evidence of any contact between law enforcement and mental health professionals in the approximate 54 hours between the initial call for the wellbeing check and the use of deadly force incident. However, the Panel further observed that Mr. Gora's co-occurring behavioral health crisis, mental health, and substance use disorder, made it difficult for law enforcement and family and friends to create a situation where a trained mental health professional may have been introduced except to advise law enforcement on how to best interact with Mr. Gora. As well, Mr. Gora repeatedly shut off his cell phone, and that made it difficult for law enforcement or a mental health professional to have meaningful interaction or to develop a relationship.
2. The Panel observed that Mr. Gora told friends and family that he was determined to kill himself or get the police to shoot him, sent a photo of himself with a gun in his mouth, and subsequently rammed a cruiser before running away from law enforcement and then displaying an object that was perceived to be threatening, resulting in law enforcement shooting him.
3. The Panel observed that officers attempted to use less lethal methods to bring Mr. Gora into custody, including repeated attempts to convince him to turn himself in, spike mats, and a TASER.

4. The Panel observed that in this case as in many others, Mr. Gora's possession of a weapon likely violated federal law in that there was ample evidence that he was an unlawful user of a controlled substance, and by virtue of the federal prohibition, his possession of a weapon also violated state law. A toxicology screen disclosed an extremely high level of methamphetamine in Mr. Gora's system. The level was about twice as high as a level that has been reported in methamphetamine abusers who exhibited violent and irrational behavior.

5. The Panel observed that Maine's version of a "red flag law" provides a legal means by which weapons may be taken, at least temporarily, from persons who are determined to present a likelihood of foreseeable harm to themselves or others. While an important tool in supporting public safety, Maine's weapons restriction law did not take effect until five months after this incident.

6. The Panel observed that Maine does not have a law against providing a weapon to someone who is legally prohibited from having weapons. Neither does Maine law expressly provide immunities or protection from potential criminal liability against persons who remove and keep weapons from others to protect possible future harm, except in a very limited circumstance.

7. The Panel observed that in many cases there are moments in time when interventions have the best chance of being effective prior to an acute crisis. In this case, Mr. Gora's hospitalization in November 2019 for a suicide attempt was such a moment. It is possible that more may have been done while he was engaged with the mental health system and as part of his discharge.

8. The Panel reviewed the report of the joint internal incident review by the Androscoggin County Sheriff's Office and the Mechanic Falls Police Department and observed that the report noted the status of training received by the involved law enforcement officers and whether those officers acted within relevant policies. There was no reported review of the adequacy or completeness of the relevant law enforcement policies or whether the officers were adequately equipped to manage the incident.

Recommendations

1. The Panel recommends that telemedicine be considered when qualified professionals are not immediately available in person to connect with the subject of a wellbeing check.

2. The Panel recommends that the Maine Criminal Justice Academy adopt training requirements regarding law enforcement response to crises involving "suicide by cop" to best mitigate overt threats of this nature.

3. The Panel recommends that the Maine Criminal Justice Academy review and enhance the standards for compliance with existing statutorily required internal incident reviews by law enforcement agencies whose officers are involved in deadly force incidents, including the scope of the review, the time between an incident and its review, and composition of the review team, and that the current required elements of the internal incident review be evaluated for adequacy and relevancy to assist officers to learn from and to train for such incidents in the future.

Timeline and Details

At 1:38 p.m. on Friday, January 31, 2020, Jason Gora's father reported to the Auburn Police Department that his estranged son, Jason Gora of Auburn, had posted suicidal ideations on Facebook. The father said that he had been unable to contact Mr. Gora and that he did not know Mr. Gora's current residence. The father asked for a wellbeing check on Mr. Gora. Relying on what turned out to be out-of-date address information, an Auburn police officer attempted unsuccessfully to locate Mr. Gora. Learning that Mr. Gora's 2018 driver's license listed his address as Hebron, an Oxford County deputy sheriff checked the address only to learn that Mr. Gora did not reside there. Acting on information provided by the father, an Auburn officer checked another address in Auburn without success. An alert was broadcast to area agencies for a wellbeing check on Mr. Gora, who was reported to be operating a 1997 black Jeep Wrangler.

Shortly before 4 p.m., Mr. Gora's brother reported to the Auburn Police Department that he and some friends had located Mr. Gora in his vehicle in Auburn. He said when an attempt was made to retrieve a handgun in Mr. Gora's lap, Mr. Gora sped off in the Jeep Wrangler, nearly striking one of the friends. The brother advised police of text messages from Mr. Gora that were suicidal in nature. The brother also advised police that Mr. Gora was hospitalized for a time in November 2019 after an unsuccessful suicide attempt with drugs. An officer also spoke with Mr. Gora's girlfriend, who related that Mr. Gora "freaked out" during a recent argument and left her Auburn residence. She was unable to provide any information regarding Mr. Gora's whereabouts.

By 4:25 p.m., the Auburn Police Department had requested a ping of Mr. Gora's cellular phone in an attempt to discover his location. The cellphone carrier reported back 20 minutes later that the ping resulted in no location information and that it appeared that Mr. Gora's phone had been turned off for several hours. Starting about three hours later, the carrier reported a series of successful pings of Mr. Gora's phone in Bowdoin, on I-95 in the Lewiston-Auburn area, and in other locations in Auburn. Each area was immediately checked by officers from multiple agencies with no success. Calls placed to Mr. Gora's cellphone went unanswered. At 10:30 p.m., the carrier reported again that Mr. Gora's phone had been turned off. Text messages found later on Mr. Gora's cellphone disclosed that from the period of January 31 through February 2, Mr. Gora conversed with others about his intention to commit suicide and accused some of those persons of notifying the police. The text messages included references to setting a stage for the police to shoot him, and one included a picture of Mr. Gora holding the barrel of a semi-automatic handgun in his mouth. In other texting, Mr. Gora referred to smoking methamphetamine. Further attempts throughout the night and into Saturday, February 1, to locate Mr. Gora were unsuccessful.

On Sunday, February 2, at about 6 p.m., an Auburn police officer attempted to call Mr. Gora with no success. Shortly after being informed by Mr. Gora's girlfriend that Mr. Gora's cellphone was back on, the officer called and spoke with Mr. Gora at about 6:25 p.m. The officer attempted to persuade Mr. Gora to go to the Auburn Police Department or a hospital. Mr. Gora was agitated and when asked his location, Mr. Gora replied, "Come find me mother fucker and see what happens!" Mr. Gora's girlfriend told the officer that she believed Mr. Gora may try to provoke officers to shoot him. The officer passed on the information to other police units in the area.

At 7:45 p.m., Auburn Police learned from the sister of Mr. Gora's girlfriend that Mr. Gora's brother had previously found Mr. Gora and managed to get a handgun away from him. The brother, when contacted, confirmed this information. Auburn Police also learned from updated cellphone location information that Mr. Gora's phone was somewhere near the juncture of Route 122 and the Range Road in the Poland area. The information was provided to Sgt. Jon Guay of the Androscoggin County Sheriff's Office, as well as Auburn police officers and Androscoggin County deputy sheriffs, including Matthew Noyes and Darian Nadeau.

At approximately 8:00 p.m., Mr. Gora's girlfriend told Auburn Police that she had just spoken with Mr. Gora, who told her that he was walking to the Auburn Police Department to "turn himself in." However, minutes later, Sgt. Guay broadcast over the radio that Mr. Gora's Jeep Wrangler, spotted on Minot Avenue in Auburn, sped off toward Minot when signaled to pull over by Deputy Noyes. Sgt. Guay reported that he and Deputies Noyes and Nadeau, in three separate cruisers, were pursuing the Jeep Wrangler at speeds of up to 80 mph in areas posted at 40 and 50 mph with the vehicle running stop intersections without slowing, and veering at times into the opposite travel lane forcing oncoming traffic into the breakdown lane. Deputy Noyes led the pursuit followed, respectively, by Deputy Nadeau and Sgt. Guay.

Mechanic Falls Police Sgt. Alfred Daigle heard the radio traffic of a high-speed pursuit involving Mr. Gora. Sgt. Daigle was aware from earlier information that Mr. Gora was operating a black Jeep Wrangler, had expressed suicidal ideations, may be armed, and may provoke the police if stopped. With the intent to deploy a tire deflation device in an attempt to disable Mr. Gora's vehicle, Sgt. Daigle parked his cruiser with emergency lights activated at the entry of the Minot Post Office with the nose of his cruiser pointing outward at the fog line of the road. However, seconds after parking his cruiser, Sgt. Daigle saw the black Jeep Wrangler turn the corner in the road with deputy sheriffs pursuing it. When Sgt. Daigle saw the vehicle crossing over the opposite lane of travel straight at his cruiser, he attempted to back up but the Jeep Wrangler struck his cruiser nearly head-on, causing the cruiser airbags to deploy and spinning the cruiser from the point of impact. The now heavily damaged Jeep Wrangler was in the roadway with the push bumper from Sgt. Daigle's cruiser fixed to the front end. The time was approximately 8:20 p.m.

Sgt. Guay and Deputies Noyes and Nadeau stopped behind the crash, got out of their cruisers, and joined Sgt. Daigle in the roadway. The four officers reported seeing the driver, later determined to be Mr. Gora, moving around inside the Jeep. They issued multiple commands not to move and to show his hands. At least two of the officers saw Mr. Gora reaching for something in the back seat. Mr. Gora got out of the vehicle on the passenger's side and fled down the road with all four officers in pursuit and issuing commands to Mr. Gora to stop. Mr. Gora ran into a field and then into a parking lot where he stumbled and turned toward the officers. All the officers reported seeing something in Mr. Gora's hands that they all believed was a firearm being directed at them. This led to the following actions:

- Dep. Nadeau, believing Mr. Gora was leveling a firearm at him, deployed his TASER while, at the same time, diving to the ground in an attempt to avoid being shot. Dep. Nadeau then unholstered his firearm and shot at Mr. Gora.

- Sgt. Guay, believing Mr. Gora was holding an object as one would level a shotgun or long gun and seeing Dep. Nadeau go down to the ground, thought one of his officers may have been shot and fired on Mr. Gora.
- Sgt. Daigle, believing that Mr. Gora had a “shockwave” shotgun pointed at them, based on the curvature of the object and the way Mr. Gora was holding it, fired at Mr. Gora.
- Dep. Noyes, believing Mr. Gora had turned on them with a shotgun or other similar firearm, fired at Mr. Gora.

All four officers reported they believed Mr. Gora was threatening their life and the lives of the other officers with deadly force and that they needed to use deadly force in response to the threat. Even after Mr. Gora, struck by gunfire, fell to the ground in the parking lot, he appeared to be reaching for something. Later investigation determined that the object, a curved Kukri style machete), was about three feet from where Mr. Gora fell after being shot. The sheath of the machete was about 25 feet from where Mr. Gora fell.

Immediate medical aid was administered by the officers and, shortly thereafter, by emergency medical personnel from Minot and Auburn, but to no avail; Mr. Gora died at the scene. A postmortem examination the next day by the Office of Chief Medical Examiner determined Mr. Gora’s cause of death to be multiple gunshot wounds. The toxicology screen disclosed an extremely high level of methamphetamine in Mr. Gora’s system. The level was about twice as high as levels that have been reported in methamphetamine abusers who exhibited violent and irrational behavior.

Panel Members

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