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November 19, 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 eighth 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 April 26, 2019, in Medford, 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

April 26, 2019, Medford Use of Deadly Force Incident

As required by 5 MRS § 200-K, the Maine Deadly Force Review Panel submits the following report of the April 26, 2019, use of deadly force incident involving Chief Deputy Todd Lyford of the Piscataquis County Sheriff's Office and Chief Damien Pickel (now deceased) of the Milo 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, April 26, 2019 around 2:30 p.m., Chief Deputy Todd Lyford of the Piscataquis County Sheriff's Office was on patrol in the Medford area. He noticed a gold colored van that was not displaying an inspection sticker and he knew that an individual who lived in the area – Douglas Hazen – was the subject of outstanding arrest warrants. He decided to stop the van. He activated his emergency lights and body worn camera, but the driver refused to stop. Chief Deputy Lyford contacted the Piscataquis County Communications Center and learned that the van was registered to Douglas Hazen, the registration expired in 2016, and Mr. Hazen had several outstanding warrants and was considered possibly armed and dangerous.

About 15 minutes later, the vehicles passed Milo Police Chief Damien Pickel at an intersection. Mr. Hazen, upon seeing the Milo police cruiser, reversed direction, and Chief Pickel joined the pursuit as the lead pursuit vehicle. At 2:54 p.m., Mr. Hazen drove the van onto Partridge Lane where Mr. Hazen resided and stopped at the end of the lane. Mr. Hazen got out of the van and ran into his residence. The officers pursued him on foot. Mr. Hazen immediately emerged from the residence carrying a handgun held at his side. Both officers told him to drop his weapon; he did not comply and turned back toward the residence. Chief Pickel deployed his TASER, but with no effect. Mr. Hazen turned and walked toward the officers still holding and "bobbing" his gun. Both officers shot him multiple times. Mr. Hazen was wounded but survived his injuries.

Information the Panel Reviewed

Prior to its review on September 25, 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 report of the internal critical incident review that was conducted by the Piscataquis County Sheriff's Office on May 23, 2019.

Summary of Panel Discussion

On September 23, 2021, the Panel met via Zoom and conducted a review of the referenced incident. The Panel discussion focused on 1) the sequencing of the use of the TASER and subsequent multiple shots fired by both officers in a compressed timeframe, and 2) the medical assistance provided to Mr. Hazen by the officers prior to EMT arrival. The Panel discussed the training officers receive in offering emergency medical assistance at the scene and the extent of emergency medical equipment carried in cruisers. The Panel learned that the comprehensiveness and update of emergency medical training was extremely varied by department policy, resources available to officers at the scene, and when an officer received basic training at the Maine Criminal Justice Academy.

Observations

1. The Panel observed that the use of the TASER was not effective, since it did not have the intended impact of stopping Mr. Hazen from advancing toward the officers. The Panel observed that many factors inhibit the effectiveness of TASERS, including distance, weather, and/or heavy clothing.
2. The Panel observed that after Mr. Hazen was shot and he was handcuffed and on the ground awaiting emergency medical assistance, the verbal exchange between Chief Pickel and Mr. Hazen included both the officer and Mr. Hazen swearing at each other and using expletives. Notwithstanding the obvious heightened anxiety created by the circumstances, the Panel observed this exchange as unprofessional behavior by the officer.
3. The Panel observed that the officers delayed administering first aid and appeared to have difficulty locating and using the medical kit.
4. The Panel observed that, while tactical teams have emergency medical technicians as part of the team and population centers may have emergency medical services immediately available, law enforcement officers are often far from such services in rural regions and all officers need continuing training to be able to administer medical aid that saves lives. Officers also need adequate medical aid supplies to administer the medical aid expected of an officer.
5. The Panel commends the Piscataquis County Sheriff's Office on the quality and timeliness of its internal review and issuance of its report on this case.

Recommendations

1. The Panel recommends that training for officers in the use of physical force include an associated training in the appropriate provision of medical aid.
2. The Panel recommends that the Maine Criminal Justice Academy identify a list of standardized equipment that a medical kit should include and develop training for its use statewide.

Timeline and Details

On Friday, April 26, 2019, at approximately 2:30 p.m., Chief Deputy Todd Lyford of the Piscataquis County Sheriff's Office was on routine patrol in full uniform and in an unmarked Ford Explorer with Sheriff's plates driving along Medford Center Road in Medford in the direction of Maxfield.

Chief Deputy Lyford was at that time aware of outstanding arrest warrants for Douglas Hazen, who he knew had been living on Partridge Lane in Medford, a single lane dirt road off Medford Center Road. As he approached Partridge Lane, he noted a gold-colored van without an inspection sticker driving in the opposite direction toward Lagrange. As Chief Deputy Lyford passed Partridge Lane, he observed a flat-bed trailer at the end of the road, indicating recent activity in that area. Based on this information and believing that Mr. Hazen was the operator of the van, Chief Deputy Lyford turned around to stop the van.

Chief Deputy Lyford activated his cruiser's blue lights and called the Piscataquis County Communications Center (PCCC) for a license plate check. At 2:34 p.m., he was informed that the plate was inactive and expired as of 2016 and listed "to a Douglas Hazen out of Medford." The van did not stop, and Chief Deputy Lyford activated his cruiser's siren and air horn, as well as his body-worn video/audio recording device. At that point, Chief Deputy Lyford reported that his speed was about 20 miles per hour.

Chief Damien Pickel of the Milo Police Department was at the high school in Milo when he heard the police radio reports of Chief Deputy Lyford. Knowing there were no other deputy sheriffs in the area, Chief Pickel informed the PCCC that he would start toward Medford. Chief Pickel was in full uniform and driving a fully marked police vehicle equipped with emergency lights and siren. The dispatcher also called for assistance from the Penobscot County Sheriff's Office. Chief Deputy Lyford responded, "If we go much further, I'm not going to continue. Subject with a warrant. I'm not going to kill myself over this." He also confirmed with the dispatcher that the van matched the plates.

At 2:37 p.m., the PCCC advised Chief Deputy Lyford that the van's owner, Douglas Hazen, was the subject of arrest warrants and "several cautions – very assaultive toward law enforcement and possibly armed and dangerous." Chief Pickel heard the same radio traffic.

As Chief Deputy Lyford and Mr. Hazen approached the intersection with Route 16, they were travelling at about 35 miles per hour. They reached the intersection at 2:44 p.m. when Chief Deputy Lyford saw Chief Pickel pass by him in the opposite direction. Chief Deputy Lyford radioed him and Chief Pickel turned around. Mr. Hazen reversed his direction, making a U-turn around a grassy island to travel back toward Medford on the Medford Center Road. Chief Pickel pulled in behind the van using his lights and siren, and Chief Deputy Lyford followed, all travelling at about 40 miles per hour.

At 2:52 p.m., Chief Deputy Lyford radioed Chief Pickel that Mr. Hazen might be going to his property on Partridge Lane, just ahead on the left. At 2:54 p.m., Chief Deputy Lyford radioed that the van's speed had increased to 65 miles per hour. He then reported that Mr. Hazen was "turning into his property on Partridge Road."

Chief Pickel and Chief Deputy Lyford, still in pursuit, turned onto the unpaved Partridge Lane. Less than a mile in on Partridge Lane, the van turned right and stopped at the end of a

driveway. Mr. Hazen jumped out and ran toward his house at the other end of the driveway. The weather conditions were cloudy and drizzly, and the pathway was muddy. Chief Pickel got out of his cruiser, drew his Glock .45 caliber semi-automatic sidearm, and gave chase on foot. Chief Deputy Lyford passed Chief Pickel on foot, as Chief Pickel re-holstered his sidearm and continued the foot pursuit.

Chief Deputy Lyford gained on Mr. Hazen. As Mr. Hazen approached the house, Chief Deputy Lyford yelled, "Don't do anything stupid!" Mr. Hazen entered the house and Chief Deputy Lyford and Chief Pickel took cover behind a wood pile. At 2:56 p.m., Chief Deputy Lyford notified PCCC, "We've got him at his house." Within seconds, Mr. Hazen emerged from the house carrying a black semi-automatic handgun in his right hand down at his side. Chief Deputy Lyford yelled, "He's got a gun, he's got a gun!" Mr. Hazen purposefully walked toward Chief Pickel. Chief Pickel drew his sidearm and issued commands to Mr. Hazen to drop the gun and moved up to a position 10 to 15 feet from Mr. Hazen. Both officers repeatedly yelled commands for Mr. Hazen to drop the gun. Mr. Hazen ignored the commands, turned, and began to walk back toward the door of the house. Chief Pickel holstered his sidearm, moved closer to Mr. Hazen and deployed his TASER at Mr. Hazen, but it appeared to have no effect. Mr. Hazen turned back toward the officers and started walking toward them, still holding the gun. Chief Pickel drew his sidearm. At that point, the officers did not have cover and continued to order Mr. Hazen to put the gun down. Deputy Chief Lyford observed that Mr. Hazen was pulling up on the gun and "had a bouncing movement going" with the gun.

Chief Pickel and Chief Deputy Lyford fired several rounds at Mr. Hazen. Chief Pickel estimated that Mr. Hazen was 10 to 15 feet away from him when he shot. Mr. Hazen fell onto his back on the ground, wounded but conscious. At about 2:57 p.m., Chief Deputy Lyford radioed, "Shots fired! Shots fired!" At 2:58 p.m., Chief Deputy Lyford notified PCCC that Mr. Hazen was down, had multiple gunshot wounds, and was in custody. Chief Pickel retrieved the firearm from Mr. Hazen's reach, removed the magazine, and ejected a chambered live round. Chief Pickel engaged in a series of back and forth banter with Mr. Hazen including the use of expletives. After a few minutes, Chief Deputy Lyford retrieved a medical kit and administered minimal first aid.

Mr. Hazen was handcuffed, and as backup officers arrived, he received additional first aid for multiple gunshot wounds to his face, upper and lower torso. He was transported by ambulance to the Eastern Maine Medical Center in Bangor. PCSO Sheriff Robert Young arrived on scene and took custody of and secured Mr. Hazen's 9mm handgun and both officer's firearms. During a later search of Mr. Hazen's residence pursuant to a search warrant, deputies found a handgun case containing two loaded 9mm magazines and a knife. The case was open and located on a bed just inside the door.

On April 30, 2019, Lieutenant James Kane of the Piscataquis County Sheriff's Office arrested Mr. Hazen on the outstanding warrants. Mr. Hazen was discharged from the hospital on May 15, 2019. On September 23, 2019, he pled no contest to two counts of criminal threatening with a dangerous weapon, one count of failing to stop for a police officer, and one count of operating after suspension, and was adjudged guilty. Mr. Hazen was sentenced to two years' incarceration on each count of criminal threatening and 90 days in jail for each motor vehicle violation, all to be served concurrently.

Panel Members

Michael Alpert, President, Greater Bangor NAACP

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

David Bate, Esq. was not present and did not participate in the case review

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

John Chapman, Esq.

Rick Desjardins, Director, Maine Criminal Justice Academy

Sandra Slemmer, designee of 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

Dan Tourtelotte, Maine State Law Enforcement Association

Vendean Vafiades, Esq., Panel Co-chair

Note: The individuals who serve on the Panel are appointed for the purpose of bringing their professional expertise to bear on discussions of these complex cases. Thus, a member of the Panel may know or have had contact with individuals who were involved in the case under review. In such situations, the member reports such affiliations to the Panel and that information is recorded in the meeting minutes. If the Panel member has a conflict of interest, the Panel member is recused from voting on the Panel's observations and recommendations regarding that case.