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DEADLY FORCE REVIEW PANEL

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

November 24, 2023

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

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

The Deadly Force Review Panel completed its 26th examination of a law enforcement officer's use of deadly force. Under 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 about the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters.” The report is enclosed.

The Panel examined the incident on June 21, 2022, in Blue Hill, the details of which are part of the Panel’s enclosed report.

For the Deadly Force Review Panel:

Fernand Larochelle, Chair
Stephen Burlock, Vice Chair

Enclosure

June 21, 2022 – Blue Hill Use of Deadly Force Incident

As required by 5 M.R.S. § 200-K, the Maine Deadly Force Review Panel submits the following report of the use of deadly force incident in Blue Hill on June 21, 2022, involving Detective Scott Duff and Corporal Caleb McGary of the State Police and Deputy Dylan Hall of the Hancock County Sheriff's Office, which resulted in the death of Peter Pfister, 27. 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 the examination is to find independently whether there was compliance with accepted and best practices under the circumstances or whether the practices require adjustment or improvement. The panel recommends methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices that prove increased public and officer safety. The Panel is not charged with undertaking a *de novo* review of the Attorney General's determination regarding the legality of the use of deadly force by law enforcement; discussions and recommendations of the panel are independent of the Attorney General.

Synopsis

In the early morning hours of Tuesday, June 21, 2022, law enforcement officers, including Detective Scott Duff and Corporal Caleb McGary of the State Police Tactical Team and Deputy Sheriff Dylan Hall of Hancock County responded to a 911 report that Peter Pfister, 27, was holding his mother hostage at her residence in East Blue Hill and threatening to kill her. Shortly after their arrival, the officers encountered Mr. Pfister outside the residence. They shot him when he pulled a pistol from the small of his back and pointed it at Corporal McGary and Deputy Hall. Mr. Pfister died at the scene.

Information the Panel Reviewed

Before its review, the Panel received a complete copy of the investigative materials compiled by the Attorney General's Office. The materials consisted of all the original investigative data, including interview recordings and reports, forensic reports, photographs, emergency communications, criminal history, medical information, and other materials. The Panel also reviewed the Attorney General's December 30, 2022, report and the Incident Review Team report dated February 10, 2023.

Summary of Panel Discussion

On June 22, 2023, the Panel met via Zoom and reviewed the referenced incident, which included consultation with Attorney General Detective Patrick Gagnon, the primary investigator.

Observations

1. The Panel observed that this was a highly dangerous hostage situation in which Peter Pfister seriously injured his mother before declaring that he was "going to jail for the rest of [his] life" and confronting the police with a gun in hand. Responding law enforcement officers took substantial measures to resolve the situation without using deadly force.

2. Mr. Pfister's parents had been concerned about his acutely diminished mental health. In the materials reviewed by the Panel, there were no indications that Mr. Pfister's college professors had noted any concerns with his mental health.
3. The responding officers did a good job of maintaining a calm demeanor and trying to de-escalate the situation.
4. In addition to the handgun that Mr. Pfister purchased in the month before this incident, there were two unsecured rifles in the home.
5. The police radio car-to-car channel was inadequate, making communication among law enforcement officers from different agencies at the scene difficult.
6. There was a 90-minute lag between the initial 911 call and Tactical Team activation.
7. The responding officers were not equipped with body-worn cameras.
8. The Panel commends the Internal Review Team for the all-inclusive composition of the Team and thorough review that involved both the Hancock County Sheriff's Office and State Police Tactical Team in a manner previously recommended by the Panel. However, the Panel observed that the IRT recommendations were specific only to the Tactical Team; there should also have been specific attention to the Sheriff's Office.

Recommendations

1. The Panel concurs with the recommendations included in the Internal Review Team Report, including:
 - a. Assessment and support for improved on-scene communication capabilities to include an operational channel for greater coverage and to help with critical, real-time information for all responding officers, regardless of their respective agencies.
 - b. Development of protocols requiring Regional Communications Centers, at the request of the on-scene supervisor, to immediately notify the Tactical Team Commander or designee of a hostage/barricaded person situation.
 - c. Exploration of having all officers involved in the use of deadly force incidents be examined by rescue personnel to check blood pressure, heart rate, and glucose levels to ensure they are within an appropriate range. This strategy would help restore behavioral and physical health and mitigate further health concerns.
2. As in past reports, the Panel recommends that all law enforcement officers be equipped with body-worn cameras.

3. As the Panel has previously observed, when someone is living with a person who suffers periodic mental health crises, securing any firearms in the household is critically important.
4. High school and post-secondary educators should be trained in recognizing early indicators of psychosis, as early intervention is critical to long-term well-being and safety.

Timeline and Detail

On June 21, 2022, at 1:46 a.m., a man called 9-1-1 from Bangor to report that his son, Peter Pfister, 27, was experiencing a mental health episode at his home in East Blue Hill, where he lived with his mother (the caller's ex-wife). The caller said that Mr. Pfister had decided that his mother was a demon, that he was beating his mother, and about to kill her. The caller further explained that Mr. Pfister had started texting him earlier that night, claiming that people were breaking into the home in East Blue Hill. He also said that his son had guns and warned the dispatcher that he was dangerous and to be careful.

At approximately 2:16 a.m., the father called back and was notified that troopers were responding to the home in East Blue Hill. The father said that he had participated in a video call with his son and observed that his ex-wife was covered in blood, as well as observing blood on Mr. Pfister. The father said that Mr. Pfister was holding his mother prisoner, that he was convinced his mother was a demon, that he wanted the father to come to the house, and that Mr. Pfister was going to kill "the demon." The father reiterated that his son had guns and also informed the dispatcher that he did not know what Mr. Pfister would do if he saw the police responding to the house. He said that Mr. Pfister was very strong and had been lifting weights.

A State Police trooper contacted the father by telephone to gather more information. Another officer, State Police Detective Scott Duff, who was monitoring radio traffic, believed that a hostage situation was developing and contacted Corporal Caleb McGary, the assistant commander of the State Police Tactical Team. Corporal McGary spoke with the first trooper, who informed him that he was three minutes away from the scene and was seeking guidance on how to proceed. The trooper related that he had asked the father about the likelihood on a scale of 1 to 10 that Mr. Pfister would shoot at the police, and the father said 10.

Corporal McGary notified the commander of the State Police Tactical Team, who then spoke with the first trooper to confirm the information relayed by the father. The trooper reported that the father observed that Mr. Pfister's mother was bloody and was trying to descend the stairs in a seated position. Mr. Pfister was reportedly standing over his mother and repeatedly saying that she was a demon who was trying to suck the soul from his dog. The father stated that Mr. Pfister said he was going to kill the demon and reported that he had access to a .22 caliber handgun and a .22 caliber rifle.

The tactical team commander contacted Corporal McGary and other members of the Tactical Team, as well as the Crisis Negotiation Team. The commander arrived at the scene at approximately 3:30 a.m. and learned that the father was present. The commander spoke directly with the father about his observations during the video call with Mr. Pfister. Following that

conversation, the commander activated all available Tactical Team members. Deputies from the Hancock County Sheriff's Office, including Deputy Dylan Hall, responded. The commander briefed Deputy Hall and directed him to relieve a trooper positioned with another trooper at the corner of the garage with a view of the front of the house.

At approximately 4:40 a.m., Corporal McGary arrived. The commander updated him with the information that Mr. Pfister had called his father within the last 15 minutes and told him he was tired of talking to the demon. The commander directed Corporal McGary to proceed to Deputy Hall's position. Corporal McGary walked up the road until he could see the outline of the house and positioned himself with his sniper rifle by a large tree near the corner of the garage. Deputy Hall and a trooper were at the corner of the garage. Detective Duff, who had also been briefed, was directed to a position on the left front side of the house.

At approximately 4:55 a.m., Corporal McGary radioed to other team members that he heard a door slam. At approximately 4:59 a.m., he radioed that Mr. Pfister was outside the house. Corporal McGary requested additional officers in the driveway. Corporal McGary saw Mr. Pfister walk down the driveway in his direction. He moved to pick up his patrol rifle and saw Mr. Pfister freeze and turn his head in Corporal McGary's direction. Corporal McGary aimed his patrol rifle at Mr. Pfister, announced himself as "State Police," and ordered Mr. Pfister not to move. Corporal McGary directed Deputy Hall to come up next to him, facing Mr. Pfister. Corporal McGary directed Detective Duff to come up the driveway and "flank left" to prevent Mr. Pfister from returning to the house. Corporal McGary saw a woman appear briefly outside the house and directed one of the deputies to enter the house and protect her. He observed a long knife on Mr. Pfister's hip and notified Detective Duff. Detective Duff was behind Mr. Pfister with his rifle pointed in Mr. Pfister's direction. Deputy Hall aimed his rifle at Mr. Pfister. Corporal McGary repeatedly directed Mr. Pfister to get on the ground and not reach for his waistband. Mr. Pfister did not comply with the commands. He said that he was going to go to prison for life. Corporal McGary responded that he was not going to jail for life and needed to get on the ground and not reach for his waistband. Corporal McGary also told Mr. Pfister they could talk and work things out if he got on the ground.

Corporal McGary lowered his rifle to see if that would cause Mr. Pfister to comply with his commands. The officers then observed Mr. Pfister quickly move his left hand behind his back, pull out a black semi-automatic pistol, and begin to raise it as if to shoot. Detective Duff, Corporal McGary, and Deputy Hall fired at Mr. Pfister. Mr. Pfister, struck by the gunfire, fell to the ground and died at the scene. A .22 caliber pistol was found near his body with 15 cartridges in the magazine. A sheath on his thigh held a 14-inch-long fixed-blade knife and a 9-inch-long folding knife.

A post-mortem examination by the Chief Medical Examiner's Office determined Mr. Pfister's cause of death to be multiple gunshot wounds. Toxicology tests found that Mr. Pfister had a 0.125% blood alcohol concentration.

Mr. Pfister's mother survived the assault but sustained serious facial injuries inflicted by Mr. Pfister.

Panel Members

Michael Alpert, President, Greater Bangor Area Branch NAACP
Stephen Burlock, Esq., Assistant District Attorney (Retired)
John Chapman, Esq.
Jack Clements, Chief of Police, Saco
Sandra Slemmer, designee of Mark Flomenbaum, M.D., Ph.D., Chief Medical Examiner
Fernand Larochelle, Vice Chair/Secretary
Anna Love, Chief, Attorney General Investigations
Joel Merry, Sheriff, Sagadahoc County
Jack Peck, Assistant Director, Maine Criminal Justice Academy
Michael Sauschuck, Commissioner, Department of Public Safety
Benjamin Strick, Director of Adult Behavioral Health, Spurwink
Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence, Chair
Dan Tourtelotte, Maine State Law Enforcement Association
Vendean Vafiades, Esq.

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