

# MAINE STATE LEGISLATURE

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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 27<sup>th</sup> 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 August 5, 2019, in Lewiston, 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

#27 – Lewiston (Burkhardt)

Deadly Force Review Panel - Consideration of an incident in Lewiston on 8/5/2019 at around noon when Officer Jeffrey Burkhardt of the Lewiston Police Department discharged his weapon at Kevin Harvey.

On August 5, 2019, at 11:42 a.m., Lewiston police officers, including Officer Jeffrey Burkhardt, responded to Robinson Gardens in Lewiston. A caller reported that her neighbor, Kevin Harvey, had a handgun and threatened to kill his girlfriend. The girlfriend fled her home at Robinson Gardens after Mr. Harvey threatened her with a gun. Mr. Harvey threatened murder/suicide. The girlfriend went to a neighbor's home. Mr. Harvey pursued her, entered the neighbor's residence, and pointed the handgun at her. The neighbor managed to get Mr. Harvey out of the house. Lewiston police officers set up a perimeter. Officers did not know where Mr. Harvey was and believed that he may have barricaded himself in his home. As Officer Burkhardt and another officer made their way through the woods to take a perimeter position behind Mr. Harvey's home, they heard a gunshot in the woods just ahead of them. Officer Burkhardt saw a man (later identified as Kevin Harvey) prone on the ground. Both officers believed that they were being shot at. Officer Burkhardt fired one round. When officers approached Mr. Harvey, they found that Mr. Harvey was deceased from a self-inflicted gunshot wound to the head.

The statute (Title 5, section 200-K) governing the Panel states that the Panel "shall examine deaths or serious injuries *resulting from the use of deadly force by a law enforcement officer.*" [Emphasis added.] In this incident, although the law enforcement officer used deadly force, no death or serious injury resulted from his actions. Accordingly, the Panel declined to review this incident as it was not within its statutory authority to do so.