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DEADLY FORCE REVIEW PANEL

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

December 31, 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 28th 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 July 15, 2022, in Newport, 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

July 15, 2022 – Newport 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 Newport on July 15, 2022, involving Deputy Kenneth York of the Penobscot County Sheriff's Office, which resulted in the death of Stephen Bossom, 35. 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

On Friday, July 15, 2022, at approximately 4:00 p.m., a 9-1-1 caller reported a potential active shooter at the Sebec Lake Campground in Newport. Additional 9-1-1 callers said that a man, later identified as Stephen Bossom, an employee of the campground, was at the campground with a handgun, behaving erratically and yelling that there was an active shooter in the campground. Callers reported that Mr. Bossom's arm was bleeding and that he refused to relinquish the gun. Officers from the Newport Police Department, Penobscot County Sheriff's Office, State Police, and Dexter Police Department responded to the campground. Deputy Kenneth York and another deputy sheriff encountered Mr. Bossom, who was armed with a handgun. The deputies commanded Mr. Bossom to drop the gun, but Mr. Bossom refused. When Mr. Bossom pointed the weapon at Deputy York, Deputy York shot Mr. Bossom, who 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, body-worn cameras and other videos, forensic reports, photographs, emergency communications, and other materials. The Panel also reviewed the Attorney General's January 9, 2023, report and the Incident Review Team report dated August 29, 2022.

Summary of Panel Discussion

On November 16, 2023, the Panel met via Zoom and reviewed the referenced incident.

Observations

1. Due to the many 9-1-1 callers reporting their perspectives of what was transpiring at the campground, there was significant misinformation being broadcast to responding officers, including at one point that a man with a gun in the campground was holding children hostage.
2. As presented to the responding officers, the situation was one of extreme danger; it was commendable that, despite their peril in doing so, the officers rushed in to protect persons from a report of an active shooter.
3. Responding law enforcement officers took substantial measures to resolve the situation without using deadly force. They were exemplary in maintaining a calm demeanor and trying to de-escalate the situation.
4. Clear video footage from police body-worn cameras, campground surveillance cameras, and patron cell phones provided valuable insight into the Panel's review of the incident.
5. Despite an armed man acting erratically and out of character, many campground patrons stood around or attempted to engage the man in conversation, failing to recognize the inherent danger. While their familiarity with the man may explain this phenomenon, they exposed themselves to significant peril.
6. The Internal Review Report was specific only to reviewing and applying policies, with no mention of review or recommendations regarding training and equipment.

Recommendations

1. An agency's internal review of a deadly force incident should address all three requirements of the mandated review, i.e., policy, training, and equipment.
2. All witnesses or victims of an armed encounter or potential active shooter situation are encouraged to use the "Run, Hide, Fight" safety protocol to keep themselves and others around them safe.
<https://www.cisa.gov/sites/default/files/publications/active-shooter-pamphlet-2017-508.pdf>
[RUN. HIDE. FIGHT.® Surviving an Active Shooter Event - English \(youtube.com\)](https://www.youtube.com/watch?v=...)

Timeline and Details

On Friday, July 15, 2022, shortly before 4 p.m., Stephen Bossom went into the campground store where his wife worked and asked his wife about the whereabouts of their eight-year-old daughter. Mr. Bossom said that "it's not safe" and that she needed to find their daughter. He told the campground owner that he had information from social media about someone in the campground having a gun, and they needed to get everyone inside. Mr. Bossom did not answer when the owner asked about the precise source of the information. He told her and his wife to

trust him and that he had his sources. Mr. Bossom said they needed to get everyone inside but would not say why. The owner saw a handgun in Mr. Bossom's back pocket. Mr. Bossom told the owner to call the police. He then went to the playground area adjacent to the store. The owner left in a golf cart to check the campground. At the playground, Mr. Bossom gathered children, including his daughter, and directed them to the front of his pickup truck, parked near the store.

Outside the store, Mr. Bossom told the campground owner to stay away from him and yelled for everyone to stay away. He told the owner she was in danger and to lock herself inside her residence at the campground. He told her again to call the police. The owner went to her home, locked the doors, and called the police. Mr. Bossom wanted to put the children in a vehicle but was dissuaded by his wife. A locked door thwarted his attempt to usher the children into the store. Mr. Bossom broke a store window and guided his daughter through the window with instructions to unlock the door. Mr. Bossom, his wife, and the children then entered the store. The children were frightened and crying. The wife said that she had never seen her husband behave in such a manner. In the process of breaking the window, Mr. Bossom's arm was lacerated. Once inside the store, Mr. Bossom instructed his wife to stay in the store with the children, lock the door, and not open it for anyone. At one point, Mr. Bossom appeared frantic, ducking down near the door and exclaiming, "I don't care. There is a real shooter." Mr. Bossom then left the store.

Shortly after 4 p.m., the campground owner called 9-1-1 and reported that a worker, Stephen Bossom, told her that he saw a social media post that someone in the campground had a gun and instructed her to go home and lock the doors. She said that Mr. Bossom was trying to get the children to safety. She reported that Mr. Bossom was armed. Another 9-1-1 caller, a patron at the campground, reported seeing a bloodied man yelling at patrons and saying there was an active shooter in the campground. The caller said the man appeared very scared. While numerous other patrons at the campground called 9-1-1, officers from several agencies, including Penobscot County Deputy Sheriff Kenneth York, responded. Meanwhile, at the campground, Mr. Bossom told patrons that the children were not allowed to leave the store until the police arrived and encouraged the patrons to call 9-1-1. He refused several requests by others to relinquish a handgun he was carrying. He said there was an active shooter in the campground and instructed others to "take cover."

At 4:20 p.m., A Newport officer and an off-duty Penobscot County deputy sheriff arrived at the campground. The deputy sheriff parked near the campground entrance and reported that he could see a man in the distance down the entrance road, and the man appeared to have his hands raised. The deputy wore a ballistic vest embossed with "Sheriff" on the front and back. As the deputy walked down the roadway, he gestured to a gathering of campers to move away and saw a man, later identified as Mr. Bossom, with a bloodied arm and a gun in his hand facing away from him. Taking cover behind a truck, the deputy announced, "Police. Drop the weapon." Mr. Bossom responded by yelling that there was an active shooter in the campground and told the deputy to identify himself. The deputy replied that he was a police officer and again instructed Mr. Bossom to drop his weapon, which Mr. Bossom was waving about. The deputy observed several campers on both sides of the truck behind which he was taking cover. Mr. Bossom told the deputy to "go ahead and shoot me; we have plenty of witnesses around here." The deputy again instructed Mr. Bossom to drop his weapon, but Mr. Bossom refused.

Shortly after, Deputy Sheriff Kenneth York, on duty and dressed in uniform, joined the deputy. The pair stood shoulder-to-shoulder facing Mr. Bossom, who was 30-50 feet away. Both deputies identified themselves as the police and instructed Mr. Bossom to drop his weapon. Instead, Mr. Bossom started walking toward the deputies with his gun pointed at the ground while ignoring commands to stop and drop the weapon. When Mr. Bossom was within about 10 feet of the deputies, he stopped. Asked his name, Mr. Bossom refused to comply and said he would not relinquish his weapon. He told the deputies they were not following protocol and that he could not see a badge, despite Deputy York manipulating his badge attached to his uniform shirt to display it better and telling Mr. Bossom again that he was a deputy sheriff and his name was "Ken." Mr. Bossom repeated that the deputies were not following protocol and that he would not comply with their requests until other officers arrived. After more unheeded commands to drop his gun, Mr. Bossom raised it with both hands and pointed it directly at Deputy York, who, in response, shot at Mr. Bossom. Mr. Bossom, struck by the gunfire, fell to the ground. The time was about 4:29 p.m. Despite medical aid, Mr. Bossom died at the scene.

A postmortem examination and autopsy the next day determined that Mr. Bossom's cause of death was multiple gunshot wounds.

Panel Members

Fernand Larochelle, Chair

Stephen Burlock, Esq., Assistant District Attorney (Retired), Vice Chair/Secretary

Michael Alpert, President, Greater Bangor Area Branch NAACP

John Chapman, Esq.

Jack Clements, Chief of Police, Saco

Sandra Slemmer, designee of Mark Flomenbaum, M.D., Ph.D., Chief Medical Examiner

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Jack Peck, Director, Maine Criminal Justice Academy

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Director of Adult Behavioral Health, Spurwink

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.