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DEADLY FORCE REVIEW PANEL
6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

February 23, 2024

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 29th 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 December 27, 2019, in Limerick, 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

December 27, 2019 – Limerick 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 Limerick on December 27, 2019, involving Deputy Robert Carr of the York County Sheriff's Office, which resulted in the death of Christopher Camacho, 16. 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 may recommend 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 December 27, 2019, shortly after 7 p.m., 911 callers reported a robbery in progress at the Dollar General in Limerick. The callers said that the suspect, who was later identified as Christopher Camacho, age 16, had a handgun and a knife and was holding an employee at gunpoint and making the employee tape up his own arms. York County Deputy Sheriff Robert Carr, who was told that Mr. Camacho had a knife at an employee's throat, was dispatched. A customer leaving the store told the deputy that Mr. Camacho had a gun and a knife and that he and an employee were behind the front counter. Deputy Carr entered the store, where he saw Mr. Camacho holding a black handgun. An employee was standing back to and near Mr. Camacho. Ignoring commands to drop the gun, Mr. Camacho pointed it at Deputy Carr. When Mr. Camacho again pointed the gun at him, Deputy Carr fired two rounds at Mr. Camacho. One round struck Mr. Camacho, 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, video footage from body-worn cameras and store surveillance videos, forensic reports, photographs, emergency communications, and other materials. The Panel also reviewed the Attorney General's January 12, 2023, report and the Incident Review Team report dated August 17, 2020.

Summary of Panel Discussion

On December 28, 2023, the Panel met via Zoom and reviewed the referenced incident.

Observations

1. This was a dynamic situation that, while reported as a robbery in progress and then a suspect who wished to hurt himself, also involved reports of the suspect holding a knife to an employee's throat and being armed with a firearm.
2. While not an active shooter situation for which immediate entry is indisputable in policy and accepted practice, the information available to the deputy sheriff at the time indicated a potential imminent threat of serious bodily injury or death to an employee.
3. While the deputy chose to rely on his instincts and make entry to confront what he believed to be an imminent threat, he could have instead responded to the circumstances as a hostage or barricaded suspect situation, which would not necessitate an immediate entry but, among other considerations, monitoring the situation, waiting for backup, and establishing a perimeter.
4. However, even when responding to a hostage/barricaded suspect situation, an officer must be prepared to engage in appropriate action, including immediate intervention, if it is determined that a failure to act could reasonably be expected to result in serious bodily injury or the loss of life.
5. Apart from the situation of an active shooter, a decision to make an immediate entry to confront an armed suspect is less than absolute, difficult, and may indeed escalate a situation and increase the peril to innocent persons, as well as the officer(s).
6. The deputy's supervisor did not involve himself in directing the deputy's approach to this incident.
7. While not clearly known to the responding deputy sheriff, the totality of the investigation demonstrates that this may have been a "suicide by cop" situation. Mr. Camacho's friends described him as being recently withdrawn. He recently told his girlfriend she would not need to deal with him much longer. He had also stated that he wanted to drive off a cliff with his mother.

Recommendations

1. In the absence of an active shooter situation, the first responding officer is responsible for obtaining all available information, slowing things down, following as much of the hostage/barricaded suspect protocol as appropriate and possible, and waiting for backup while remaining mindful of the potential need for immediate intervention when it is reasonably determined that a failure to act may result in serious bodily injury or the loss of life.
2. Given the dichotomy of an appropriate response to hostage/barricaded suspect situations and that of an active shooter, law enforcement agencies are encouraged to consider best practices in situations of an "active threat," i.e., any incident that creates an immediate threat of injury or loss of life or presents an imminent danger to innocent persons.

Timeline and Details

On Friday, December 27, 2019, at about 7:00 p.m., Christopher Camacho, age 16, entered the Dollar General store in Limerick with a pistol in his left hand and a machete in his right. He pointed the gun in the direction of the front counter. No one was at the front counter; Mr. Camacho looked around for employees.

A cashier was in the rear of the store and heard someone come into the store and shout, "Nobody fucking move! Where the hell is everybody?" Mr. Camacho walked down an aisle as the cashier returned to the front counter. Mr. Camacho confronted the cashier, pointed his pistol at him, and said, "I'm sorry, I don't need anything; I need you." He instructed the cashier to retrieve some duct tape. The cashier did so and followed Mr. Camacho's instructions to tape his own wrists. Mr. Camacho finished taping the cashier's wrists.

At 7:05 p.m., another employee in the store's office observed Mr. Camacho and the cashier on a surveillance camera. The employee called 9-1-1 and reported a robbery in progress. She told the dispatcher that the suspect was holding the cashier at gunpoint with a handgun near the cash register and that he forced the cashier to tape his own arms.

Two York County deputy sheriffs, including Robert Carr, were dispatched. When Deputy Carr received the radio call, he was parked at the Limerick Town Office, a short distance from the Dollar General store. He was told that the suspect was holding a knife to an employee's throat, and they were behind the cash register at the front counter of the store. A second employee who left the store through a rear exit called 9-1-1 and reported a robbery in progress by a suspect armed with a handgun. He said that two other employees and a customer were in the store. The suspect instructed the cashier to call 9-1-1 and tell the dispatcher that he had a knife to the cashier's throat. The cashier called 9-1-1 and reported that the suspect was holding a machete to his throat and had a gun. When the cashier asked the suspect for his name, he responded, "Don't worry about it."

Meanwhile, Deputy Carr approached the store and saw a woman he knew leaving. She told Deputy Carr that a man had a gun and a knife and was behind the counter pointing the gun at the cashier. Dispatch told Deputy Carr that the suspect called and stated that he wanted to hurt himself and that he had a gun and a knife. Deputy Carr now had information from three sources that the suspect had a gun and a knife and was presenting an imminent threat to the cashier. Deputy Carr decided to enter the store. He was familiar with the store's layout; he knew that he would first enter a foyer, and a second set of doors would provide access to the store. He knew the cashier's counter was to the left when entering the store.

Deputy Carr crossed the threshold of the first door into the foyer. The second set of doors opened, and he saw the cashier and a second man, later identified as Mr. Camacho, within arm's length of the cashier and about ten feet from Deputy Carr. Deputy Carr ducked back when Mr. Camacho pointed a black pistol at him. When Mr. Camacho again pointed the gun at him, Deputy Carr

shouted, “Put it down,” and fired two rounds. Later investigation determined that one round struck Mr. Camacho, who died at the scene.

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.