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DEADLY FORCE REVIEW PANEL

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

March 30, 2025

The Hon. Anne M. Carney, Senate Chair
The Hon. Amy D. Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

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

The Deadly Force Review Panel completed its 40th 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 September 13, 2023, incident in Rangeley Plantation, the details of which are included in the Panel's enclosed report.

For the Deadly Force Review Panel:

Fernand Larochelle, Chair
Stephen Burlock, Vice Chair

Enclosure

cc: Criminal Justice & Public Safety Committee
Health & Human Services Committee

September 13, 2023 – Rangeley Plantation 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 Rangeley Plantation on September 13, 2023, involving Trooper Jeffrey Parks of the State Police, which resulted in the death of Shay McKenna, age 28. 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 September 11, 2023, Shay McKenna failed to appear for his court arraignment on a manslaughter indictment, leading to the issuance of an arrest warrant. An investigation revealed that Mr. McKenna was illegally camping in a van on private property in a remote area of Rangeley Plantation. Police discovered a campsite and a vehicle registered to Mr. McKenna's mother. Mr. McKenna was seen in the same vehicle in Mexico during the early morning hours. At the campsite, officers found a makeshift firing range with a paper target displaying apparent bullet holes. As a condition of Mr. McKenna's bail, he was prohibited from possessing firearms and dangerous weapons. Officers did not locate Mr. McKenna at that time. However, a game camera near the site captured images of Mr. McKenna carrying an AR-15-style rifle. State Police obtained a search warrant for the campsite. The State Police Tactical Team, including Trooper Parks, went to the location to execute both the search and arrest warrants. Mr. McKenna did not respond to numerous instructions to surrender. He emerged from the van armed with the AR-15-style rifle and was shot and killed by Trooper Parks.

Information the Panel Reviewed

Before its meeting, the Panel members received the investigative material compiled by the Attorney General. The material consisted of all the original investigative data, including interview recordings and reports, forensic reports, photographs, emergency communications, and other materials. The Panel also reviewed the Attorney General's March 11, 2024 report and the State Police Incident Review Team report of January 21, 2025.

Panel Discussion

On January 23, 2025, the Panel convened via Zoom to review the referenced incident. Several issues were discussed, including the absence of video, mental health concerns, substance use, the

deployment of the Bearcat armored vehicle, and Mr. McKenna's reaction to the tactical team's request for him to surrender.

Observations

1. The 28-year-old suspect involved in this incident failed to attend his arraignment on a manslaughter indictment charging him with the shooting death of his younger brother. The Court issued an arrest warrant, precipitating the events leading to this incident. The suspect otherwise had no prior criminal convictions.
2. The suspect's parents told the police that the suspect had struggled over the years with depression. At age 15, the suspect reportedly had attempted suicide and was hospitalized for a couple of weeks. The suspect tried several different medications for his depression but reportedly could not find one that worked.
3. The toxicology report revealed positive findings for THC¹ and Mitragynine².
4. The suspect's bail conditions prevented him from returning to the family home. The investigation does not identify precisely when and from where the suspect had assembled the significant cache of firearms and ammunition located at the scene. An ATF firearms trace indicated that two of the firearms had been purchased by the suspect's deceased brother and that other named buyers had purchased two others.
5. The Tactical Team described the terrain surrounding the scene as heavy, thick forest, making visuals difficult for the team operators. Trooper Parks' observations of the suspect as he emerged from the van were well corroborated by the Tactical Commander, who was simultaneously viewing the suspect's movements from the drone he was operating overhead.

Recommendations

1. The Panel recommends that when a law enforcement agency employs a drone in these circumstances, any video or audio be recorded, noting the potential benefits of the additional data generated and the value of transparency.

Factual Summary

On December 21, 2022, State Police arrested Shay McKenna for the December 19, 2022, shooting death of his brother in Rumford. On April 14, 2023, the Oxford County Grand Jury returned an

¹ THC (tetrahydrocannabinol) is the primary psychoactive compound found in the cannabis plant. It binds to receptors in the brain and produces a variety of effects.

² Mitragynine is an alkaloid found in the kratom plant that produces pain relief and euphoria. It's an opioid that's not approved for medical use.

indictment for manslaughter against Mr. McKenna. Mr. McKenna's bail conditions included no use or possession of any dangerous weapons, and he was subject to a search of his person, vehicle, and residence at any time without articulable suspicion. On September 11, 2023, Mr. McKenna failed to appear for his arraignment. The court issued an arrest warrant. Subsequent investigation disclosed that a Rumford police officer saw Mr. McKenna shortly after midnight on September 11th at a convenience store in Mexico where he was filling red cans with gasoline.

On September 12th, a landowner complained of illegal camping on private land in Rangeley Plantation, where there was an abandoned vehicle connected to Mr. McKenna. Law enforcement officers entered the campsite and observed yellow "caution tape" across the entrance. They also saw a white van with an attached flag that read, "Come and Take It." They discovered a vehicle registered to Mr. McKenna's mother at the campsite. Game wardens installed a remote camera, and two images were recorded three minutes apart in the afternoon. The photos depicted Mr. McKenna carrying what appeared to be an AR-15-style rifle with a scope. Additional images later in the afternoon depicted a vehicle leaving the campsite and returning some four hours later.

Officers obtained a search warrant for the campsite, and plans were made for members of the State Police Tactical Team, including Trooper Jeffrey Parks and members of the State Police Crisis Negotiation, to execute both the arrest warrant and search warrant on September 13th. After a briefing of all involved officers, the teams went to the location of the campsite, which was extremely remote and a lengthy drive off the paved road. Officers moved on foot to set up a perimeter to preclude Mr. McKenna from fleeing the campsite into the woods. It was anticipated that once the perimeter was established, a reactionary team and negotiators would move into the area in an armored vehicle, and a drone would monitor the campsite. The dense forest made visibility difficult. With perimeter officers in place and the drone deployed shortly after 4 p.m., officers in the armored vehicle drove toward the campsite, encountering a barricade in the roadway where the armored vehicle stopped. Numerous announcements intended to persuade Mr. McKenna to surrender were broadcast through the public address system of the armored vehicle.

At 4:23 p.m., Mr. McKenna sent his sister a text message and a photograph, which read, "They're here. Goodbye." The picture showed the armored vehicle near the barricade. After the armored vehicle backed away from the barricade for operators to attach a ram, live images from the drone depicted Mr. McKenna leaving the van wearing a backpack and holding an AR-15-style rifle in a "ready-to-shoot position." Mr. McKenna was wearing a body armor vest with rifle magazines on the front of the vest and was observed looking into the woods and down the roadway toward the armored vehicle. Consistent among the descriptions of observations of several perimeter officers was that Mr. McKenna was "hunting and moving" tactically, searching for targets. Trooper Parks saw Mr. McKenna wearing a tactical vest and holding an AR-15-style rifle in the "low ready" position, i.e., the rifle stock was on or near Mr. McKenna's shoulder and the barrel angled towards the ground. Mr. McKenna had both hands on the rifle while he crouched and scanned the area toward the woods and where the armored vehicle had been in a manner that Trooper Parks described as "hunting for people; he was clearly looking for us." Trooper Parks and a companion trooper were in positions of cover. Other perimeter officers did not have adequate cover. Trooper Parks fired one shot at Mr. McKenna, who remained standing. Mr. McKenna fell to the ground when struck by a second shot. Mr. McKenna died at the scene from what the Office of Chief Medical Examiner later determined to be two gunshot wounds.

Later investigation disclosed one chambered cartridge in Mr. McKenna's rifle and 27 cartridges in a 30-round magazine. A second rifle with an attached flashlight and scope on the ground next to Mr. McKenna's body was loaded with a chambered round and 29 cartridges in the magazine. A semi-automatic pistol found in Mr. McKenna's waistband was loaded with a chambered cartridge and ten cartridges in the magazine. Another semi-automatic pistol found in the front pocket of Mr. McKenna's ballistic vest was loaded with a chambered round and seven cartridges in the magazine. Also found on Mr. McKenna were three pistol magazines loaded with 17, 16, and 10 cartridges and four rifle magazines loaded with 30, 30, 30, and 29 cartridges. Mr. McKenna's vest also contained a flashlight, a knife, a scanner radio contact lenses, breath freshening capsules, earplugs, two balaclavas, two cell phones, and four flash drives.

Panel Members

Fernand LaRochelle, Chair

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

Michael Alpert, Greater Bangor Area Branch NAACP

John Chapman, Esq.

Jack Clements, Chief of Police, Saco

Sandra Slemmer, designee of Alice J. Briones, D.O., Chief Medical Examiner

Anna Love, Chief, Attorney General Investigations

Joel Merry, Sheriff, Sagadahoc County

Joshua Daley, designee of Jack Peck, Director, Maine Criminal Justice Academy

Michael Sauschuck, Commissioner, Department of Public Safety

Benjamin Strick, Vice President of Adult Behavioral Health, Spurwink

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 excused from voting on the panel's observations and recommendations regarding that case.