

MAINE STATE LEGISLATURE

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DEADLY FORCE REVIEW PANEL

6 STATE HOUSE STATION · AUGUSTA, MAINE 04333

DATE: April 28, 2025

TO: Joint Standing Committee on Judiciary

FROM: Fernand Larochelle, Chair, Deadly Force Review Panel

SUBJECT: Case #42 – Bangor Incident

Deadly Force Review Panel - Consideration of an incident on Sunday, June 25, 2023, involving the use of deadly force by Officer Bobby Lee Gillespie of the Bangor Police Department, which resulted in no injury to Linda Coburn, age 39, of Bangor, the details of which are contained in the enclosed report and findings of the Attorney General.

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

Enclosure

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April 1, 2024

Chief Mark Hathaway
Bangor Police Department
240 Main St.
Bangor, Maine 04401

Dear Chief Hathaway:

We have completed our investigation and legal review of the incident on Sunday, June 25, 2023, involving the use of deadly force by Officer Bobbylee Gillespie, which resulted in no injury to Linda Coburn, age 39, of Bangor.

Factual Summary

On Sunday, June 25, 2023, at approximately 3:05 AM, a 911 caller reported to the Bangor Police Department that Linda Coburn had twice assaulted him at a residence they shared. Officers Bobbylee Gillespie and Michaela Sprague were at the Bangor Police Department when the 911 call was received. They left to go to the residence located at a trailer park on Finson Road in Bangor. While enroute to Finson Road, Officer Gillespie learned from dispatch that the situation was escalating, and Ms. Coburn was sharpening a large knife. Officer Gillespie also learned that Ms. Coburn's 17-year-old daughter was at the home and had stepped outside of the residence. Ms. Coburn then followed her daughter outside the home with a knife.

Upon arrival, Officer Gillespie observed Ms. Coburn outside her residence with a knife in her hand. Officer Sprague arrived less than a minute after Officer Gillespie and observed Ms. Coburn with a knife in each hand. Officer Gillespie repeatedly ordered her to drop the knife. The 911 caller and Ms. Coburn's daughter can be heard on Officer Gillespie's body worn camera yelling at Ms. Coburn to drop the knife. Ms. Coburn refused to drop the knife and repeatedly told the officers to shoot her, and she was not going to jail. Both officers observed Ms. Coburn slicing at her wrists/arm.

A review of the body cameras of Officers Gillespie and Sprague indicate that in response to commands to drop the knife, Ms. Coburn yells 'no' and to shoot her. Ms. Coburn can be seen

raising a knife in her right hand and pointing it at the 911 caller with another visible knife in her left hand. As the officers approached her, Ms. Coburn can also be seen moving toward the 911 caller. Ms. Coburn took a step toward the 911 caller and yelled that she was not going back to jail for him. She then looked at the officers and raised both arms. Officer Gillespie later described that, based on Ms. Coburn's failure to drop the knife while acting erratically and unpredictably, that she believed that Ms. Coburn was going to stab the 911 caller or advance on Officer Sprague and herself. Officer Gillespie fired two shots at Ms. Coburn. When Ms. Coburn stepped again toward the person she was threatening with the knife and again refused commands to drop the knife, Officer Gillespie fired another shot. None of the bullets struck Ms. Coburn.

Approximately one minute elapsed between the time that Officer Gillespie got out of her cruiser and shot at Ms. Coburn. During this span, Ms. Coburn was ordered to drop the knife more than 20 times.

Maine State Police and Bangor Police Department evidence technicians processed the scene and observed 2 large kitchen knives in the middle of the road.

Discussion and Legal Analysis

The Office of the Attorney General has exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who, while performing the officer's duties, uses deadly force.¹ The detectives investigating these incidents are independent of any other law enforcement agency. The limited purpose of the criminal investigation of this incident was to establish whether self-defense, including the defense of others, was reasonably generated by the facts to determine whether a criminal prosecution was warranted. Under Maine law, two requirements must be met for any person, including a law enforcement officer, to lawfully use deadly force in self-defense or defense of others. First, the person must reasonably believe that unlawful deadly force is imminently threatened against that person or another person, and second, the person must reasonably believe that the use of deadly force is necessary to defend the person or other person.²

The legal analysis requires careful attention to the specific facts and circumstances, including the severity of the crime threatened or committed and whether the suspect posed an immediate threat to the safety of others. Further, whether the use of force by a law enforcement officer is reasonable is based on the totality of the circumstances and judged from the perspective of a reasonable officer on the scene, allowing for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a given situation. The investigation did not include an analysis of whether any personnel action may be warranted, whether the use of deadly force could have been averted, or whether there may be civil liability. Indeed, conduct that may be justifiable under the criminal law does not abolish or impair other civil remedies.

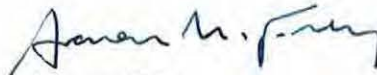
¹ 5 M.R.S. § 200-A.

² 17-A M.R.S. § 107(2)(A).

Conclusion

When Officer Gillespie shot at Ms. Coburn, she could have reasonably believed that Ms. Coburn was about to cause serious bodily injury or death to the 911 caller or herself or Officer Sprague. Officer Gillespie was aware of the report that Ms. Coburn had previously assaulted the 911 caller, had refused repeated commands to drop the knife, stated she was not going back to jail and appeared to be moving in the direction of the 911 caller with the knife. Ms. Coburn was screaming and acting unpredictably and erratically. All the facts and circumstances point to the conclusion that Officer Gillespie was acting in defense of the 911 caller, herself, and Officer Sprague when she fired her weapon at Ms. Coburn.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron M. Frey".

Aaron M. Frey
Attorney General