

MAINE STATE LEGISLATURE

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December 19, 2020

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

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

Please find enclosed is the 2020 Annual Report of the Deadly Force Review Panel. Pursuant to Title 5, section 200(K)(7), "the panel shall submit a report by January 30, 2021, and annually thereafter, that summarizes the panel's meetings and the incidents of the use of deadly force by law enforcement officers that resulted deaths or serious injuries that the panel examined in the preceding year."

For the Deadly Force Review Panel:

Vendean Vafiades, Esq., Co-Chair
Francine Garland Stark, Co-Chair

Enclosure

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Deadly Force Review Panel

First Annual Report

Submitted to the Joint Standing Committee on the Judiciary

January 1, 2021

Legislative mandate:

As required by 5 MRSA § 200-K, the Maine Deadly Force Review Panel has met regularly throughout 2020 to receive its charge by the Attorney General, to organize its process and work schedule, and to review and provide incident reports to the Judiciary Committee on the use of deadly force by law enforcement officers. According to statute, the purpose of the Panel's review is to identify whether there was compliance with accepted and best practices under the circumstances or whether practices require adjustment or improvement. The Panel is charged with recommending methods of improving standards, including changes to statutes, rules, training, and policies and procedures designed to ensure best practices that demonstrate increased public and officer safety. The Statute further requires the Panel to submit an annual report by January 30th that summarizes the panel's work in the previous year.

Panel Membership:

Michael Alpert, President, Greater Bangor NAACP
Debra Baeder, Ph.D., Chief Forensic Psychologist
David Bate, Esq.
Stephen Burlock, Esq., Assistant District Attorney, District 5
John Chapman, Esq.
Rick Desjardins, Director, Maine Criminal Justice Academy
Mark Flomenbaum, M.D., Chief Medical Examiner
Fernand Larochelle, Panel Vice Chair and Secretary
Brian MacMaster, Director, Attorney General Investigations
Joel Merry, Sheriff, Sagadahoc County
Janine Roberts, Chief of Police, Westbrook Police Department
Michael Sauschuck, Commissioner, Department of Public Safety
Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence, Panel Co-chair
Dan Tourtelotte, Maine State Law Enforcement Association
Vendean Vafiades, Esq., Panel Co-chair

Summary of Panel Activity:

Date	Panel Activity
December 12, 2019	Inaugural meeting to introduce Panel membership, review legislative mandate, and discuss next steps.
January 30, 2020	Presentations to provide foundational understanding of statutes, rules, training, and policies and procedures.
February 27, 2020	Presentation and discussion of a sample incident to inform development of Panel procedures for incident review.

June 30, 2020	Finalized plan for incident review and reporting process and selection of co-chairs.
July 23, 2020	Presentation and discussion of Incident #1: July 5, 2017 – Madison/Somerset County Sheriff’s Office
August 27, 2020	Presentation and discussion of Incident #2: December 9, 2017 – Machiasport/Marine Patrol Review and finalization of draft report on Incident #1
September 8, 2020	Submitted Panel report on Incident #1 to Committee on the Judiciary
September 24, 2020	Review of draft report and continued discussion of Incident #2
October 22, 2020	Discussion and finalization of report on Incident #2
October 28, 2020	Submitted Panel report on Incident #2 to Committee on the Judiciary
November 19, 2020	Presentation and discussion of Incident #3: May 4, 2018 – Oakfield/State Police
December 17, 2020	Discussion and finalization of report on Incident #3 and Annual Report

Factual Summaries of Incidents Reviewed:

Incident #1:

In the early morning of Wednesday, July 5, 2017, three officers of the Somerset County Sheriff’s Department shot and killed Carroll Tuttle Jr. of Madison. Mr. Tuttle was approaching one of the officers and a bystander, Harvey Austin, at a high rate of speed in his truck. Mr. Tuttle shot Mr. Austin twice before Mr. Tuttle was killed by gunfire from the three officers. Previously that morning, Mr. Tuttle shot and killed three persons: Michael Spaulding, a neighbor; Lori Hayden, Mr. Tuttle’s domestic partner; and Dustin Tuttle, his son. No law enforcement officers were injured.

Incident #2:

Shortly after noon on Saturday, December 9, 2017, Jason Jackson committed a home invasion in East Machias during which time he confronted a woman at the home with a gun and demanded money. When told she had no money, Mr. Jackson fled the residence, but not before the woman recognized him. She called 911 to report the robbery. Law enforcement officers in the area were notified that there was probable cause to arrest Mr. Jackson and that he was suffering a mental health crisis. Throughout the day and into the evening, law enforcement officers from separate agencies in Washington County looked for and eventually pursued Mr. Jackson after he was seen driving a vehicle in Machias. Mr. Jackson refused to stop when signaled to do so by a sergeant of the Machias Police Department. Instead, Mr. Jackson, still pursued by the officer, drove to a duplex residence in Machiasport where his former domestic partner lived. When Mr. Jackson got out of his car and ran into the unit, the sergeant chased him, inadvertently dropping his cell phone at the onset of the foot pursuit. When three other officers arrived outside the duplex and heard a commotion inside the building, they ran into the unit in the belief that the sergeant was in peril. One officer, Marine Patrol Officer Matthew Carter, stopped on a stairwell landing below an attic where he could see Mr. Jackson situated with his

former partner, who positioned herself between Mr. Jackson and the law enforcement officers. Over the course of the next 35 minutes, Mr. Jackson periodically picked up and put down his revolver, and, when Officer Carter perceived that Mr. Jackson was imminently prepared to use his firearm against him, he shot at Mr. Jackson, hitting him and his former partner numerous times. Both Mr. Jackson and the former partner survived their injuries.

Incident #3:

On Wednesday May 2, 2018, John Corneil of Merrill was visiting his mother in Oakfield and shot BBs at a neighbor's dog. The neighbor and her boyfriend went to the mother's residence and confronted Mr. Corneil, who grabbed the boyfriend and punched him. As the neighbors were walking away, Mr. Corneil, shot BBs at them and made verbal threats. The incident was reported to a State Police trooper, and Mr. Corneil's mother informed the trooper that her son was a felon and had mental health issues. After the trooper and State Police Sergeant Chadwick Fuller discussed the incident and reviewed Mr. Corneil's criminal and personal history, they determined Mr. Corneil would likely be agitated from the day's events and potentially dangerous, given his previous criminal record of resistance to law enforcement intervention. They put in place a plan that included consideration of obtaining an arrest warrant, serving a summons instead of making an arrest, trying to contact Mr. Corneil by phone, and attempting to have contact with him away from his home. On Friday, May 4, 2018, a trooper followed Mr. Corneil to a grocery store in Oakfield and was joined by Sergeant Fuller. Mr. Corneil became agitated when the officers attempted to talk with him. When the officers attempted to arrest him, Mr. Corneil pulled out what appeared to be a black handgun from inside his jacket. The officers instructed him to drop the weapon and Sgt. Fuller shot Mr. Corneil when he did not comply. Mr. Corneil died at the hospital from gunshot wounds. His gun was later determined to be a CO2 weapon that shot pellets.

Summary of Panel Observations and Recommendations from 2020 Reviews:

The Panel reviewed these three incidents involving the use of deadly force by law enforcement officers in its first year of work. In all these incidents, the Panel observed a lack of community-based behavioral/mental health services that, had they been available and utilized, may have mitigated the circumstances that culminated in the deadly force incidents. The Panel observes that the investigations by the Attorney General's Office of these incidents are commenced immediately, however the formal reviews by the Attorney General's Office have not been completed in a timely fashion. It is unclear whether law enforcement agencies are commencing their internal incident reviews in a timely manner.

Given the limited scope of our work to date, it is premature to offer any summary recommendations at this time.

Respectfully submitted,

Vendean Vafiades, Esq. and Francine Garland Stark, Co-chairs